

6

Wednesday, March 6, 2019

Frank: Meeting w/ Andrew Huffman (Gov. Policy Group)

9:30 AM to 10 AM

notes added 3.4

Andrew Huffman and others from Gov. Policy Group

To discuss transportation budget and critical infrastructure

9:30

614.582.5300

all-day

1

2

3

4

5

6

7

8

9

10

11

Noon

12

Tuesday, March 12, 2019

**Frank: Meeting/ Farm Bureau and
Duke Energy**

3:15 PM to 3:45 PM

FH Office

notes added 3.7 RB

Anthony Seegers and Jenna Beadle- Farm Bureau:
614.246.8255

John Keaton and Dave Celona: 614.361.9979

3:15

Discuss critical infrastructure

12

Tuesday, March 12, 2019

he is meeting w/ Peterson's office before

all-day

**Frank: Meeting w/ American Petroleum
Inst.**

1 PM to 1:30 PM

FH office

notes added 3.6

American Petroleum Inst. executive director Chris
Zeigler and associate directors Claire and Christina

Discuss SB 33 and other policy issues

1:00

614.221.5439

Noon

19

Tuesday, March 19, 2019

12:30-1:00

all-d

**Staff or Frank: Meeting w/ Athens
Group (SB 33)**

1 PM to 1:30 PM

FH Office

notes added 3.6 RB

Athens constituents from various groups to meet
about concerns w/ SB 33

Roxanne Groff- 740.707.3610

1:00

20

Wednesday, March 20, 2019

SB 33 Proponent Hearing

9:15 AM to 10:15 AM

North Hearing Room - Judiciary
Committee

all-day

1

2

3

3

Wednesday, April 3, 2019

FYI: Judiciary Cmte.

9:15 AM to 10:15 AM

North Hearing room

notes

*SB 33 Opponent testimony

10

Wednesday, April 10, 2019

Judiciary Cmte.

9:15 AM to 10:15 AM

North Hearing Room

notes

SB 33 Opponent

all-day

1

2

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24

Wednesday, April 24, 2019

**FYI: SB 33 in Judiciary- Opponent
Testimony**

9:15 AM to 10:45 AM

North Hearing Room

notes -12 in person opponent testimony

all-day

1

2

3

4

5

30

Tuesday, April 30, 2019

Caucus

1 PM to 2 PM

Majority Conf Room

notes

-SB 33 likely being brought up in Caucus

all-d

1
Wednesday, May 1, 2019

LUNCH

12:30 PM to 1 PM

all-day

Session

1:30 PM to 2:30 PM

notes

added 1.3.2019 GL

-SB 33 possibly on the floor

From: [Benjamin, Marcus](#)
To: [Republican Senior Legislative Aides](#); [Republican Legislative Aides](#); [Republican Caucus Staff](#); [Republican Communications](#); [LSC Fellows Republican](#)
Subject: 5.03 updated summary of bills passed by Senate
Date: Friday, May 03, 2019 11:29:25 AM
Attachments: [133rd GA Summary of Bills Passed 5.03.19.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, everyone, attached is an updated summary of bills passed by the Senate in the 133rd GA. This summary can also be found on the J Drive with policy memos for each bill offering a more detailed analysis. As always, please feel free to contact myself or any caucus staff if you have questions on any of these bills.

Thanks and have a good day!

Marcus Benjamin

Senior Policy Advisor

Senate Majority Caucus

614-644-6868

Marcus.Benjamin@OhioSenate.gov



19

Wednesday, June 19, 2019

notes HB 79, possible vote

FYI: House PUCmte SB33 Proponent

11 AM to 12 PM

Room 116

From: [Benjamin, Marcus](#)
To: [Republican Senior Legislative Aides](#); [Republican Legislative Aides](#); [LSC Fellows Republican](#); [Republican Communications](#); [Republican Caucus Staff](#)
Subject: 6.21 updated summary of bills passed by Senate
Date: Friday, June 21, 2019 12:18:24 PM
Attachments: [133rd GA Summary of Bills Passed 6.21.19.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Thanks and have a good weekend!

Marcus Benjamin
Senior Policy Advisor
Senate Majority Caucus
614-644-6868
Marcus.Benjamin@OhioSenate.gov



Blosser, Mindy

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely

Ted Auch

--

Ted Auch | Ph.D.

The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org

The Dealership Co-Workspace, 3558 Lee Road, Shaker Heights, OH 44120

C: 802-343-6771

lsarpp@gmail.com

Twitter: @lsarpp

<http://www.shockedandpersuaded.com/>

"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, and 4,000 miles of pipeline within the United States...The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

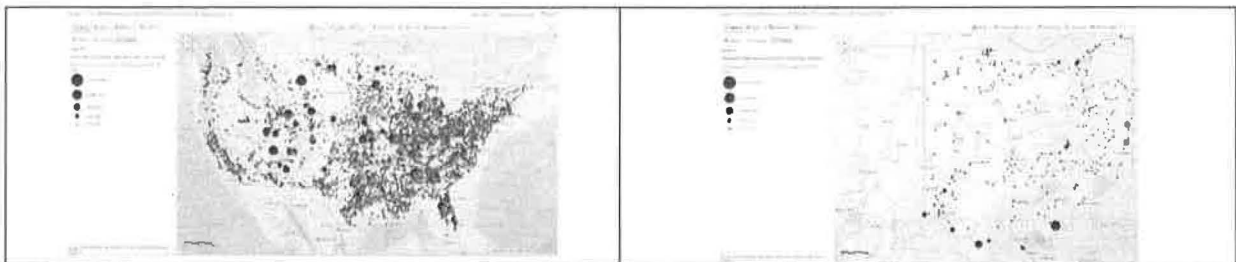
It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

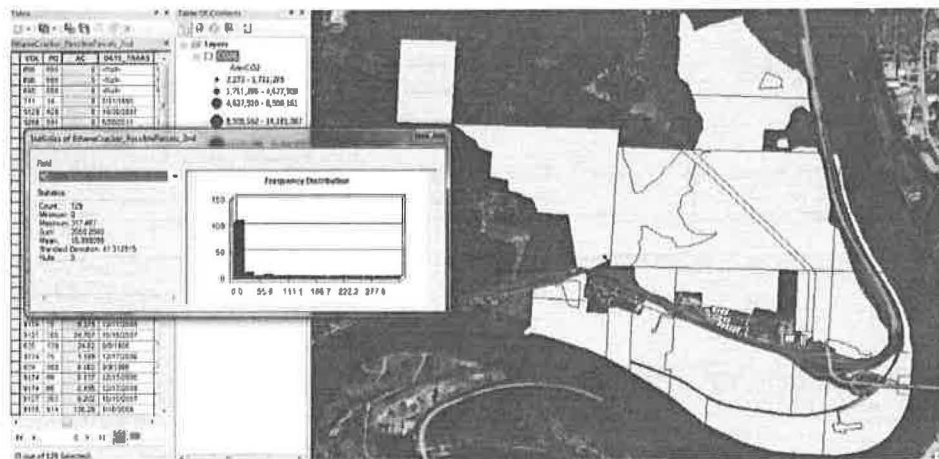
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



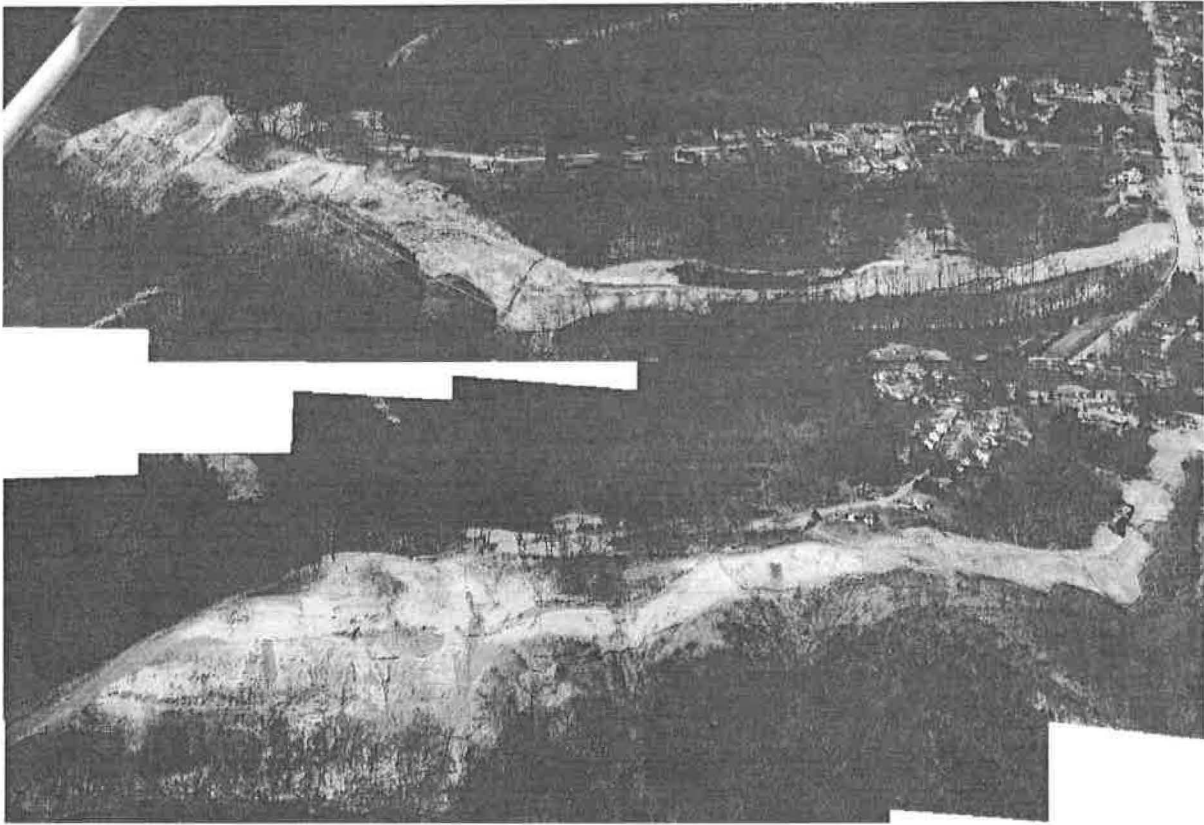
However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

- 1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

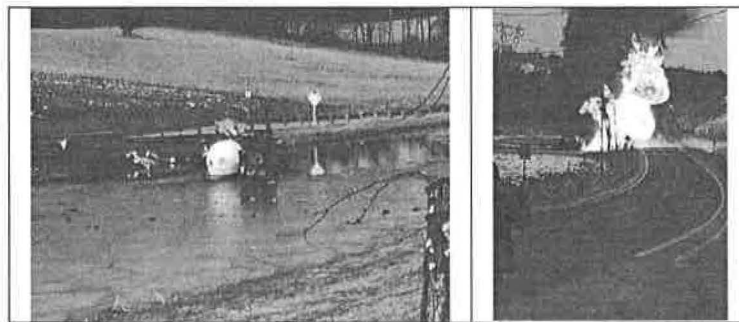
<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and "Critical Infrastructure" like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch'.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com

Blosser, Mindy

From: trazom2@gmail.com@mg.gospringboard.io on behalf of Ellen Dryer <trazom2@gmail.com>
Sent: Wednesday, May 01, 2019 3:46 PM
To: State Senator Joe Uecker
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Uecker,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

Ellen Dryer
337 Fieldcrest Lane
Loveland OH, 45140-8885

Blosser, Mindy

From: psmcovky=usa.net@mg.gospringboard.io on behalf of William Johnson
<psmcovky@usa.net>
Sent: Wednesday, May 01, 2019 3:53 PM
To: State Senator Joe Uecker
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Uecker,

We want to live in a democracy. I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

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SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

William Johnson
1120 CROOKED CREEK LN
NEW RICHMOND OH, 45157-9768

Blosser, Mindy

From: daisie.reish@frontier.com
Sent: Thursday, March 28, 2019 2:06 PM
To: State Senator Joe Uecker
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Daisie

Last Name : Reish

Address : 37390 Giles Rd

City : Grafton

State : OH

Zip : 44044

Phone : (440) XXX-4834

Email : daisie.reish@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

LEAGUE OF WOMEN VOTERS

2019 Statehouse Day Policy Asks

Vote yes on HB60 and HB19

Vote yes on SB43

Vote NO SB33

Introduce and pass Automatic Voter Registration legislation Support the Secretary of State's Budget in full Pause SB22 and improve poll worker incentives

Mabe, Aaron

From: Mabe, Aaron
Sent: Monday, June 03, 2019 12:12 PM
To: 'vilo_westwood@yahoo.com'
Subject: SB 33

Thank you for contacting Senator Hackett's office in regards to Senate Bill 33, which would amend sections 2909.07, 2909.10, 2911.21, 2911.211, 2917.21, and 2917.32 and to enact section 2307.67 of the Revised Code to modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility. Senator Hackett appreciates you taking your time to share your views with him.

S.B. 33 was introduced on February 12th, 2019 by Senator Frank Hoagland (R-Mingo Junction). S.B. 33 was passed by the Senate on March 1, 2019 by a vote of 24-8. Currently, the bill is pending in the House Public Utilities Committee.

Once again, thank you for contacting Senator Hackett's office in regards to S.B. 33. Should you have any additional questions in regards to this legislation or any other state related matter, please feel free to contact Senator Hackett's office, as his door is always open.

Sincerely,

Aaron Mabe, Legislative Aide
State Senator Bob Hackett
10th Senate District
614-466-3780
Aaron.Mabe@ohiosenate.gov

Mabe, Aaron

From: State Senator Peggy Lehner
Sent: Monday, June 03, 2019 11:43 AM
To: State Senator Bob Hackett
Subject: FW: I want to share my thoughts on an issue or piece of legislation.

I believe this is your constituent.

-----Original Message-----

From: vilo_westwood@yahoo.com [mailto:vilo_westwood@yahoo.com]
Sent: Wednesday, May 29, 2019 8:55 PM
To: State Senator Peggy Lehner
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Vilo

Last Name : Westwood

Address : 5710 Coach Drive W, Apt A

City : Kettering

State : OH

Zip : 45440

Phone : (614) 537-6140

Email : vilo_westwood@yahoo.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

I understand the Ohio Congress is considering restricting people's rights to protest. I urge you to oppose such legislation. This nation was built on protest. Some of its greatest achievements have been because of protests: the Revolutionary War, abolition, Civil Rights, an end to the Vietnam War. The Bill of Rights covers several parts of protest. Do not go against our Constitution for the sake of expediency.

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10th Senate District
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Mabe, Aaron

From: Zack Frymier, Director Energy & Environmental Policy <zfrymier@ohiochamber.com>
Sent: Wednesday, May 01, 2019 10:46 AM
To: State Senator Bob Hackett
Subject: Senate Floor Vote on SB 33



OHIO CHAMBER
of **COMMERCE**

KEY VOTE ALERT

TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



Moffitt, Nathan

From: daisie.reish@frontier.com
Sent: Thursday, March 28, 2019 1:58 PM
To: State Senator Steve Wilson
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First Name : Daisie

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Phone : (440) XXX-4834

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Sincerely
Ted Auch

--

Ted Auch | Ph.D.
The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org
[The Dealership Co-Workspace](#), 3558 Lee Road, Shaker Heights, OH 44120
C: 802-343-6771
lsarpp@gmail.com
Twitter: @lsarpp
<http://www.shockedandpersuaded.com/>

"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

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Date: 4/8/2019

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Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

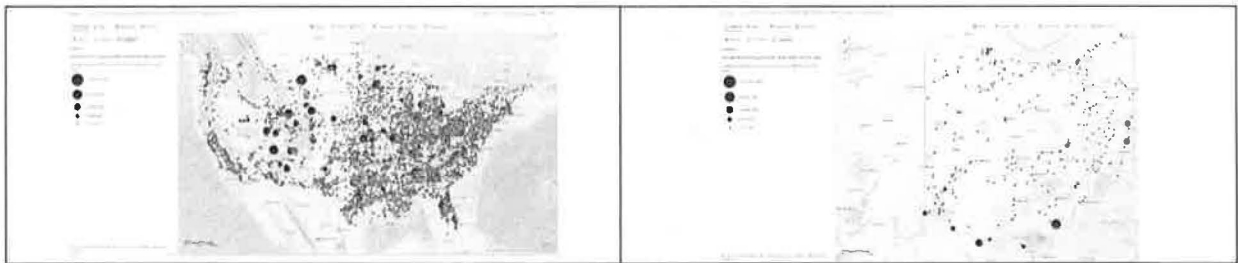
It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

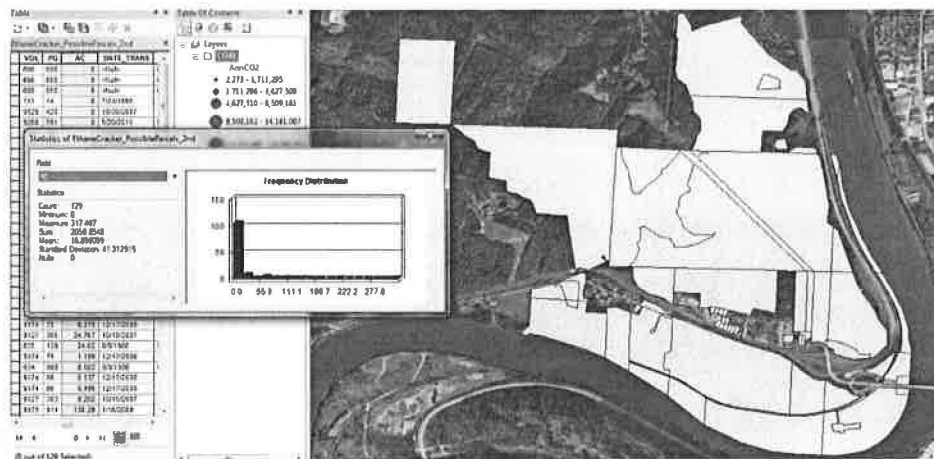
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



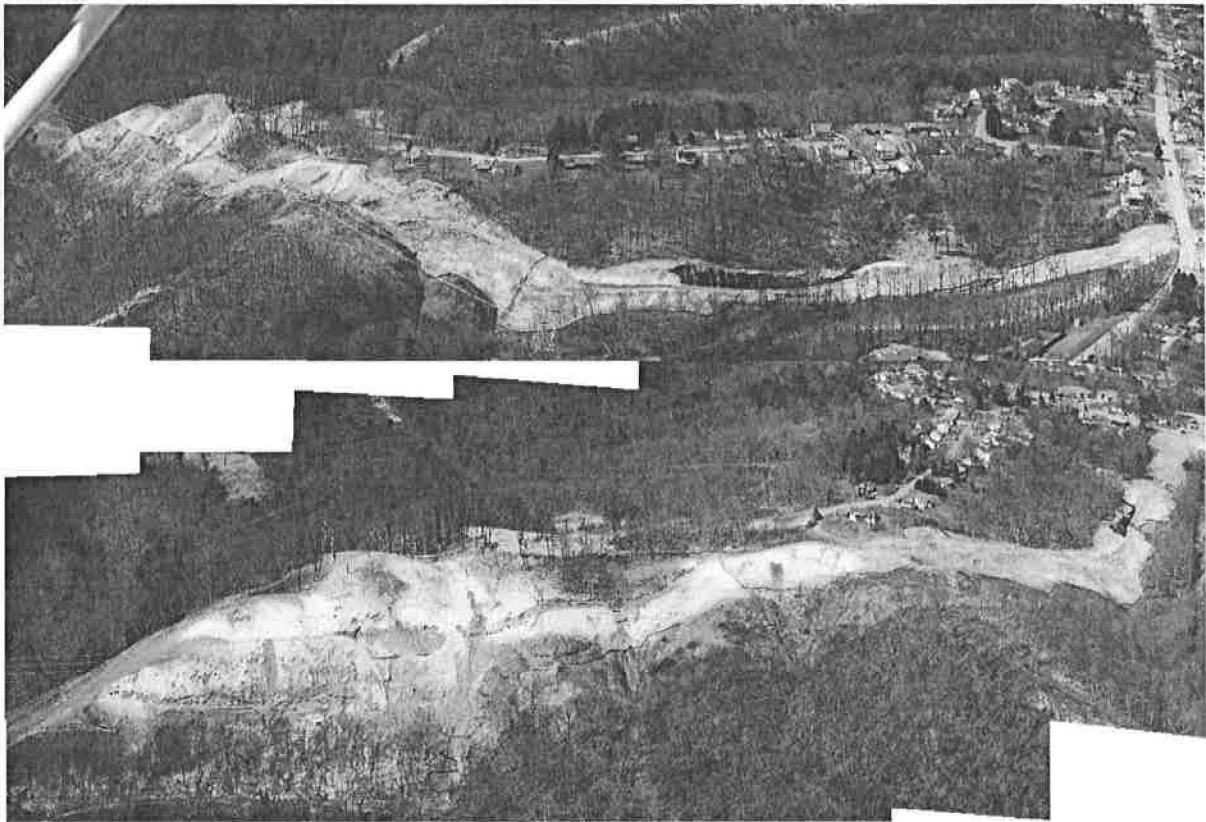
However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

- 1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

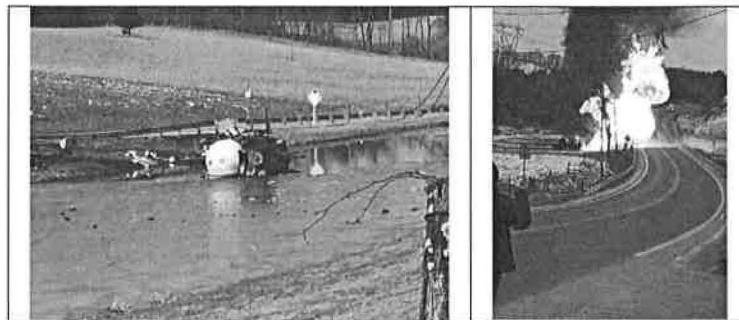
<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and "Critical Infrastructure" like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch', with a stylized flourish at the end.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com

Moffitt, Nathan

From: Steve Horn <steve@therealnews.com>
Sent: Friday, February 15, 2019 11:51 PM
To: State Senator Frank Hoagland; State Senator Bill Coley; State Senator Tina Maharath; State Senator Lou Terhar; State Senator Steve Wilson; State Senator Bob Peterson; State Senator Matt Huffman; State Senator Michael Rulli
Subject: Reporter Query on Critical Infrastructure Bill Moving Through Statehouse

Hon. Sens. Hoagland, Coley, Maharath Terhar, Wilson, Peterson, Huffman and Rulli:

Steve Horn here, climate reporter and producer for *The Real News Network*. I am working on a story on the critical infrastructure criminal/civil reform bills moving throughout statehouses nationwide and wondering if you could explain where the bill's impetus originates from (was it industry, a trade association, etc.) and what you think its importance is as legislation specifically as it relates to your state?

As you probably know, bills of these sorts have passed elsewhere too, but it's always important and interesting to offer state-specific rationales behind bills to readers/viewers.

Thanks for your time and help and I look forward to hearing back from you. My deadline is Friday late-afternoon eastern time.

Have a great weekend.

Best,
Steve
262-705-5856

--

Steve Horn
Producer - Climate Crisis Bureau
The Real News Network
steve@therealnews.com
[@SteveAHorn](#)
www.therealnews.com



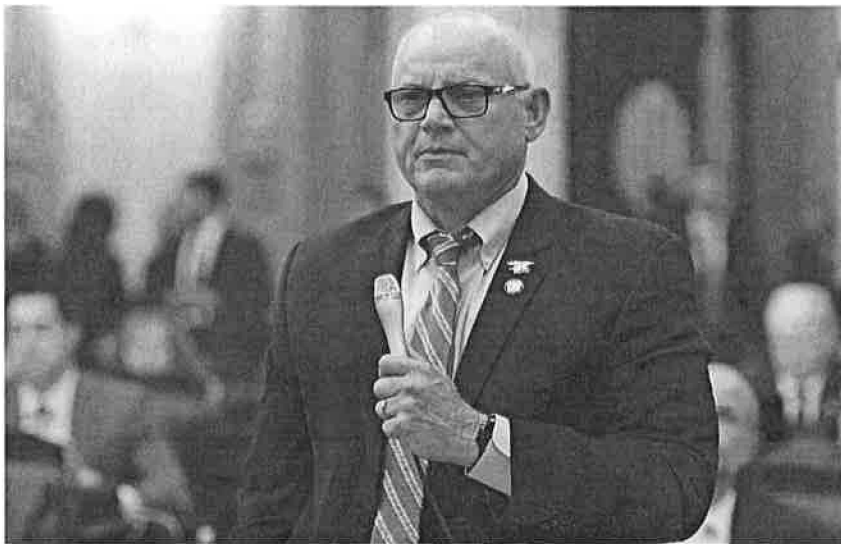
Moffitt, Nathan

From: Office of Senator Frank Hoagland <Hoagland@OhioSenate.gov>
Sent: Thursday, May 02, 2019 8:31 AM
To: State Senator Steve Wilson
Subject: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure

Click [here](#) if you are having trouble viewing this message.



Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure



COLUMBUS—State Senator Frank Hoagland (R-Mingo Junction) yesterday announced the Senate passage of his bill to help protect critical infrastructure in Ohio by enhancing penalties associated with certain types of wrongful acts that disrupt vital operations. The measure passed by a vote of 24-8.

"Various forms of critical infrastructure provide essential energy, communications and vital services and products to the entire state," said Senator Hoagland. "Today's vote is an important step in protecting these facilities from vandalism and other destructive acts that have a

devastating impact on our communities' ability to function."

Senate Bill 33 prohibits criminal mischief, trespassing and aggravated criminal trespassing and would impose fines on organizations that are found to be complicit with these offenses.

The bill was inspired by a number of reports of tampering with valves and controls at pipeline facilities that can create extremely dangerous situations for employees of those facilities as well as citizens in the community.

Critical Infrastructure includes all of the following but is not limited to:

- Electricity Generation, Transmission, and Generation
- Gas Production, Transport, and Distribution
- Oil, Oil Products, Production, Transportation, and Distribution
- Telecommunication
- Water Supply
- Agricultural Resources, Food Production, & Distribution
- Heating
- Transportation Systems
- Security Services

Senate Bill 33 will now receive further consideration from the House of Representatives.

###

Senator Hoagland represents the 30th District in the Ohio Senate, which encompasses Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble and Washington counties as well as portions of Athens and Vinton counties. Learn more at www.OhioSenate.gov/Hoagland. To download a high-resolution headshot of Senator Hoagland, [click here](#).

Office Contact: Giovanna Loccisano at (614) 466-6508 or Hoagland@OhioSenate.gov



MAJORITY CAUCUS MEDIA CONTACT:

Dan Lusheck
Senate Majority Communications
Phone: (614) 644-5534
Email: Daniel.Lusheck@OhioSenate.gov

Click [here](#) if you don't wish to receive these messages in the future.

Moffitt, Nathan

From: richardboyce=fuse.net@mg.gospringboard.io on behalf of Richard Boyce
<richardboyce@fuse.net>
Sent: Wednesday, May 01, 2019 7:57 PM
To: State Senator Steve Wilson
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Wilson,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

Richard Boyce
7061 Grantham Way
Cincinnati OH, 45230-2129

Moffitt, Nathan

From: kimberlys2004@gmail.com@mg.gospringboard.io on behalf of Kimberly Sims
<kimberlys2004@gmail.com>
Sent: Wednesday, May 01, 2019 3:56 PM
To: State Senator Steve Wilson
Subject: Stand against SB 33 Anti-Protest Bill

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I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

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SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

Kimberly Sims
410 Park Avenue
Franklin OH, 45005-3551

Moffitt, Nathan

From: Ruth Hardy <ruth.h.hardy@gmail.com>
Sent: Tuesday, April 30, 2019 9:02 PM
To: State Senator Nathan Manning; State Senator Bill Coley; State Senator Cecil Thomas; State Senator Teresa Fedor; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Sean O'Brien; State Senator Steve Wilson; State Senator Theresa Gavarone; State Senator Robert McColley
Subject: Please oppose SB 33

Please oppose SB 33, the proposed bill to “Modify criminal and civil law for critical infrastructure damage”, for the following reasons:

1. SB 33 violates due process by singling out certain infrastructure that it arbitrarily labels as “critical”.
2. SB 33 violates free speech and the right to assemble, which will be judged unconstitutional in courts of law.
3. Nonprofit organizations, through guilt by association, can be held liable for the actions of others, and they may be assessed penalties that are 10 times greater than those which individuals would receive. Both individuals and organizations may be punished for actions perpetrated by provocateurs embedded in protests by industry or the government, or by individuals unrelated to the organization.
4. The vast majority of environmental activists are nonviolent and respectful of property. Since trespass and property damage are already covered by Ohio law, this legislation is redundant and apparently aimed at intimidating conscientious citizen advocates.
5. The oil and gas industries are actually the criminals, but somehow they escape prosecution, using their vast wealth to obtain protection and subsidies from legislators. Not only were they aware of the destructive potential of climate change for decades, they also knew that CO2 and methane (which is over 30 X more powerful as a greenhouse gas) emissions were major causes of the precipitous warming of the oceans & atmosphere. Yet they denied and covered up the evidence, while at the same time designing their drilling rigs to compensate for the sea level rise they knew was going to happen. How is this not criminal?

Environmental advocates are acting ethically by working hard to oppose expanded drilling of oil and gas. We are using our voices to draw attention to the urgency of sharply reducing the burning of fossil fuels in order to protect our health, our biosphere and our economy. Like the Founders, we believe it is our moral duty to protect future generations, who will suffer from increasing extreme destructive weather, droughts, flooding, water scarcity, food scarcity and

increased pests and diseases as well as crushing costs for emergency response, mitigation and adaptation.

6. The fingerprints of ALEC are all over this egregious legislation, further eroding their already damaged credibility. If Alec truly wanted to help Ohio, they would assist the state in making the transition to renewable energy. Instead, they are helping Ohio lag behind most of the other Midwestern states whose economies are getting a much-needed boost thanks to renewable energy. Businesses are attracted to clean & green energy states, where energy costs are lower. They know that economies based on clean energy are likely to thrive, whereas those based on fossil fuels are stuck in boom/bust cycles, high health care costs, high energy costs, polluted water & air, and job loss.

SB 33 should not go to a vote. Please oppose it.

Thank you,

Ruth Hardy

7757 Anderson Oaks Dr.

Cincinnati OH 45255

Moffitt, Nathan

From: Mosie <mosie5838@gmail.com>
Sent: Monday, April 29, 2019 10:11 AM
To: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator John Eklund; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Witness Testimony in opposition to SB 33
Attachments: Witness form JUDICIARY COMMITTEE SB33.docx

Please find my testimony in opposition to SB 33, attached with my witness testimony form and copied below.

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of "critical infrastructure facilities" which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

This bill violates the right of people to peaceably assemble, to bring public attention to health and safety concerns, and to protest fossil fuel activities and installations which have the capacity to impact the health and safety, quality of life, and activities of daily living of Ohio citizens. This bill curtails the ability to observe installations which critically affect the quality of air and water and the environment in the state of Ohio at a time when environmental impacts are crucial to our global future.

This bill makes criminal public assembly and the observation and reporting of activities or installations that may harm the public health and safety. This bill makes criminal sharing concerns and information related to the public health and safety.

This bill criminalizes photography or videoing of activities and installations in plain view and criminalizes making the resulting photographs/video available to the public.

This bill makes it a criminal offense to "text" regarding events or activities which may impact the public health and safety.

This bill targets non-profit, grassroots citizen organizations made up of volunteer, concerned citizens who take their time to educate themselves and volunteer their time and talents to participate in the democratic process which may include peaceful assembly and peaceful civil disobedience, as well as education of the public to the impacts of activities and installations of the fossil fuel industry. Grassroots organization operating on a shoestring may be levied with fines of up to 10 X the amount of an individual citizen, fining grassroots organizations up to \$100,000. Grass roots organizations may be fined based on the actions of one citizen whose actions they cannot control, and that the grassroots organization does not state responsibility for.

Ohio must not pass legislation to limit citizen's constitutional rights or intimidate citizens freedom of speech or curtail activism.

Ohio must not limit the constitutional rights of Ohio citizens at a time our government is rolling back air and water quality standards and endangering our environment and air and water quality.

Ohio must not make criminal public discourse in the form of the written word, statements, photos, or videos regarding impacts to public health and safety.

The constitutional freedoms of the citizens of the State of Ohio must not be limited to the benefit fossil fuel corporations.

Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273
Working for Fair Districts and Voting Rights for Citizens in Ohio
330-618-5838



JUDICIARY COMMITTEE

Witness Form

Today's Date:

Name: Maureen D Welch _____

Address: 8195 Guilford Road, Seville, Ohio 44273 _____

Telephone: 330-618-5838 _____

Organization Representing: N/A _____

Testifying on Bill Number: SB 33 _____

Testimony: _____ Verbal XX Written _____ Both

Testifying As: _____ Proponent XX Opponent _____ Interested Party

Are you a Registered Lobbyist? ___ Yes XX No

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of "critical infrastructure facilities" which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

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Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273

Moffitt, Nathan

From: richardboyce=fuse.net@mg.gospringboard.io on behalf of Richard Boyce
<richardboyce@fuse.net>
Sent: Wednesday, May 01, 2019 7:57 PM
To: State Senator Steve Wilson
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Wilson,

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Sincerely,

Richard Boyce
7061 Grantham Way
Cincinnati OH, 45230-2129

Moffitt, Nathan

From: kimberlys2004@gmail.com@mg.gospringboard.io on behalf of Kimberly Sims
<kimberlys2004@gmail.com>
Sent: Wednesday, May 01, 2019 3:56 PM
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Subject: Stand against SB 33 Anti-Protest Bill

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Sincerely,

Kimberly Sims
410 Park Avenue
Franklin OH, 45005-3551

From: Zack Frymier, Director Energy & Environmental Policy <zfrymier@ohiochamber.com>
Sent: Wednesday, May 01, 2019 10:46 AM
To: State Senator Steve Wilson
Subject: Senate Floor Vote on SB 33



TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33




DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



[Unsubscribe sd07@ohiosenate.gov](mailto:sd07@ohiosenate.gov)

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Sent by zfrymier@ohiochamber.com in collaboration with



Try it free today

Moffitt, Nathan

From: LWVCA President <president@lwvca.org>
Sent: Tuesday, April 09, 2019 1:37 PM
To: State Senator Steve Wilson
Subject: Oppose SB 33

Senator Wilson,

The League of Women Voters of the Cincinnati Area urges you to vote NO on SB 33 which would expand definitions of "criminal trespass" and "critical infrastructure facility" resulting in criminal charges and fines for peaceful protests even when no actual trespass has occurred. This bill is so broad, it likely violates constitutional Free Speech protection. Acts of vandalism and trespassing are already adequately covered and prosecuted under existing Ohio law. Please do not waste taxpayers' money to defend the constitutionality of unnecessary legislation.

The League of Women Voters, with membership in Hamilton, Butler and Warren Counties, never takes positions on candidates for office, but does adopt policy positions after thorough study and consensus of our membership. Our opposition to SB 33 is based on these positions.

Thank you,
Elizabeth Brown
Co-President
League of Women Voters of the Cincinnati Area

Moffitt, Nathan

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely

Ted Auch

--

Ted Auch | Ph.D.

The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org

The Dealership Co-Workspace, 3558 Lee Road, Shaker Heights, OH 44120

C: 802-343-6771

lsarpp@gmail.com

Twitter: @lsarpp

<http://www.shockedandpersuaded.com/>

"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

Moffitt, Nathan

From: marciawolff@marciawolffdesigncouncil.com
Sent: Thursday, March 07, 2019 9:00 AM
To: State Senator Steve Wilson
Subject: SB33

Dear Mr. Wilson,

HOW CAN YOU EVEN CONSIDER SUPPORTING SB33, A BILL THAT LEGISLATES THE USE OF A KNOWN TOXIC MATERIAL CONTAINING RADIUM ABOVE SAFE LEVELS FOR PUBLIC ROADS AND PRIVATE CONSUMERS USE?!

DO YOU WANT YOUR CHILDREN, GRANDCHILDREN, PETS, YOURSELF EXPOSED TO RADIATION? aND WHEN THE CANCER DIAGNOSIS COME, AND THEY WILL, YOU WILL BE TO BLAME!

SHAME ON YOU! NO TO SB33!

Marcia Wolff

Moffitt, Nathan

From: Carol Gottesman <carolgottesman@yahoo.com>
Sent: Friday, March 01, 2019 3:16 PM
To: State Senator Steve Wilson
Subject: SB 33

Please vote NO on SB33. It attacks our freedom of speech. We have a right to object when our water, land and air is being poisoned and effecting our health and that of our children and grandchildren. As a Nurse I am very concerned about these issues.

Yours for Creating Wellness,
Carol Gottesman

330-759-0797 home
330-719-2766 cell (Voice only: NO Text)
www.carolgottesman.com/

Theresa Mills and Constituent

Save

More actions ▾

Mar 19, 2019 11:00am to 11:30am Mar 19, 2019 Time zone

☐ All day Does not repeat ▾

Event Details Find a Time

Guests



142

Add guests



Add conferencing ▾



Notification ▾ 30 minutes ▾ X

Add notification



Brianna Miller ▾ ▾



Busy ▾ Default visibility ▾ ?

**B*****I***U

Theresa is from Buckeye Environmental Network

The Constituents are learning all about the legislative process and touring Cap Square

Just want to stop in and see the office and chat

Theresa: 614-539-1471

Guests can:



Modify



Invite



See g

Miller, Brianna

From: Miller, Brianna
Sent: Wednesday, May 01, 2019 9:25 AM
To: Loccisano, Giovanna
Subject: FW: SB 33 Sponsor

Hi Giovanna,

I received the email below from a constituent. Has SB 33 been amended in committee at all?

Thanks!
Bri

From: Janet Smith [mailto:janetsmith1164@gmail.com]
Sent: Tuesday, April 30, 2019 4:24 PM
To: Miller, Brianna
Subject: Re: SB 33 Sponsor

Brianna,

Thank you for hosting and speaking with me on Statehouse Day. I appreciated your knowledge on the bills that I mentioned.

I have a current question on SB 33. Has there been any revisions to the original bill? If so, where may I find the current bill that would be voted upon?

Thank you,

Janet Smith
Chairperson County Government Committee

Sent from my iPad

On Mar 27, 2019, at 2:49 PM, Miller, Brianna <Brianna.Miller@ohiosenate.gov> wrote:

Hi Janet,

It was great to speak with you today. Per our conversation, I have attached Senator Hoagland's sponsor testimony for SB 33 to this email. Senator Terhar is supportive of the bill as he believes it will provide necessary protections to critical infrastructure. Please let me know if you have any questions or concerns!

Best,

<image001.jpg> **Brianna Miller** | Senior Legislative Aide
Senator Lou Terhar – 8th District
terhar@ohiosenate.gov | 614-466-8068

Miller, Brianna

From: Miller, Brianna
Sent: Wednesday, May 01, 2019 4:51 PM
To: 'Janet Smith'
Subject: RE: SB 33 Sponsor

Hi Janet,

I checked with Senator Hoagland's office and they let me know that SB 33 has not been amended. The bill passed out of the Senate today, so it should be referred to a House committee soon. You can follow the status of the bill here: <https://www.legislature.ohio.gov/legislation/legislation-status?id=GA133-SB-33>. It has not been update with today's vote as of now, but should be very soon.

Best,

Brianna Miller

Senior Legislative Aide

Senator Lou Terhar – 8th District

brianna.miller@ohiosenate.gov | (614) 466-8068

From: Janet Smith [mailto:janetsmith1164@gmail.com]
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Subject: Re: SB 33 Sponsor

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Chairperson County Government Committee

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Best,

<image001.jpg> **Brianna Miller** | Senior Legislative Aide
Senator Lou Terhar – 8th District
terhar@ohiosenate.gov | 614-466-8068

<SB 33 Hoagland Sponsor.pdf>

From: Zack Frymier, Director Energy & Environmental Policy <zfrymier@ohiochamber.com>
Sent: Wednesday, May 01, 2019 10:46 AM
To: State Senator Lou Terhar
Subject: Senate Floor Vote on SB 33



TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



[Update Profile](#) | [About our service provider](#)

Sent by zfrymier@ohiochamber.com in collaboration with



Try it free today

Marasco, Tara

From: Mosie <mosie5838@gmail.com>
Sent: Monday, April 29, 2019 10:11 AM
To: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator John Eklund; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Witness Testimony in opposition to SB 33
Attachments: Witness form JUDICIARY COMMITTEE SB33.docx

Please find my testimony in opposition to SB 33, attached with my witness testimony form and copied below.

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of "critical infrastructure facilities" which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

This bill violates the right of people to peaceably assemble, to bring public attention to health and safety concerns, and to protest fossil fuel activities and installations which have the capacity to impact the health and safety, quality of life, and activities of daily living of Ohio citizens. This bill curtails the ability to observe installations which critically affect the quality of air and water and the environment in the state of Ohio at a time when environmental impacts are crucial to our global future.

This bill makes criminal public assembly and the observation and reporting of activities or installations that may harm the public health and safety. This bill makes criminal sharing concerns and information related to the public health and safety.

This bill criminalizes photography or videoing of activities and installations in plain view and criminalizes making the resulting photographs/video available to the public.

This bill makes it a criminal offense to "text" regarding events or activities which may impact the public health and safety.

This bill targets non-profit, grassroots citizen organizations made up of volunteer, concerned citizens who take their time to educate themselves and volunteer their time and talents to participate in the democratic process which may include peaceful assembly and peaceful civil disobedience, as well as education of the public to the impacts of activities and installations of the fossil fuel industry. Grassroots organization operating on a shoestring may be levied with fines of up to 10 X the amount of an individual citizen, fining grassroots organizations up to \$100,000. Grass roots organizations may be fined based on the actions of one citizen whose actions they cannot control, and that the grassroots organization does not state responsibility for.

Ohio must not pass legislation to limit citizen's constitutional rights or intimidate citizens freedom of speech or curtail activism.

Ohio must not limit the constitutional rights of Ohio citizens at a time our government is rolling back air and water quality standards and endangering our environment and air and water quality.

Ohio must not make criminal public discourse in the form of the written word, statements, photos, or videos regarding impacts to public health and safety.

The constitutional freedoms of the citizens of the State of Ohio must not be limited to the benefit fossil fuel corporations.

Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273
Working for Fair Districts and Voting Rights for Citizens in Ohio
330-618-5838



JUDICIARY COMMITTEE

Witness Form

Today's Date:

Name: Maureen D Welch _____

Address: 8195 Guilford Road, Seville, Ohio 44273 _____

Telephone: 330-618-5838 _____

Organization Representing: N/A _____

Testifying on Bill Number: SB 33 _____

Testimony: _____ Verbal XX Written _____ Both

Testifying As: _____ Proponent XX Opponent _____ Interested Party

Are you a Registered Lobbyist? ___ Yes XX No

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of "critical infrastructure facilities" which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

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Ohio must not make criminal public discourse in the form of the written word, statements, photos, or videos regarding impacts to public health and safety.

The constitutional freedoms of the citizens of the State of Ohio must not be limited to the benefit fossil fuel corporations.

Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273

Marasco, Tara

From: Douglas Stoll <info@email.actionnetwork.org>
Sent: Wednesday, April 10, 2019 3:33 PM
To: State Senator Dave Burke
Subject: Dear Senator Burke, Please help stop SB 33

Dave Burke,

I moved to Ohio from North Carolina for the promise of jobs, freedom, and security. As your constituent I strongly urge you to oppose SB 33.

While SB 33 purportedly deals with sabotage of critical infrastructure this overbroad bill could be used to impose hefty criminal penalties on nonviolent, peaceful protesters. SB 33 is designed to chill speech.

Please stand up for free speech for Ohioans by opposing SB 33.

Douglas Stoll
stilljustdouglass@gmail.com
211 Coe St
Tiffin, Ohio 44883

Marasco, Tara

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely
Ted Auch

--

Ted Auch | Ph.D.
The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org
[The Dealership Co-Workspace](#), 3558 Lee Road, Shaker Heights, OH 44120
C: 802-343-6771
lsarpp@gmail.com
Twitter: @lsarpp
<http://www.shockedandpersuaded.com/>

“Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do” Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

*"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, **and 4,000 miles of pipeline within the United States...**The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."*

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

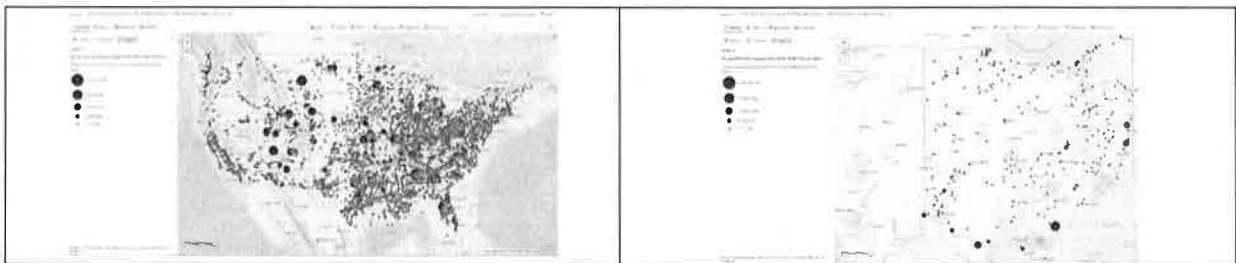
It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

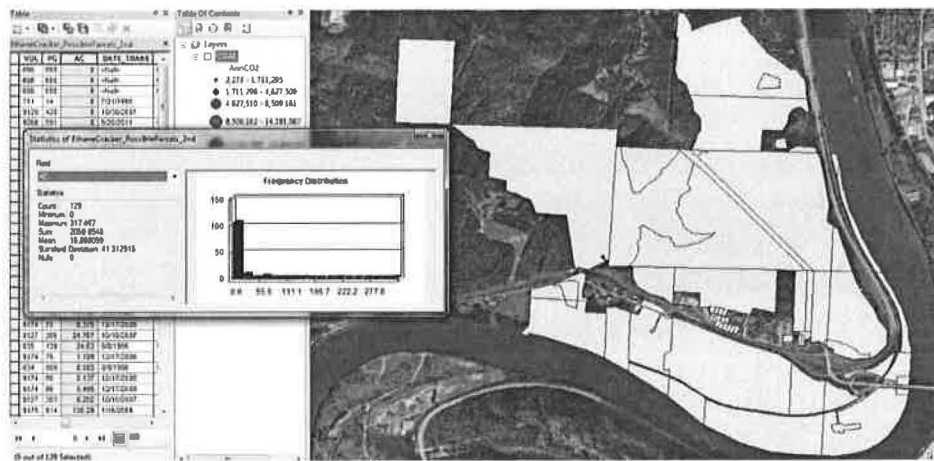
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

- 1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

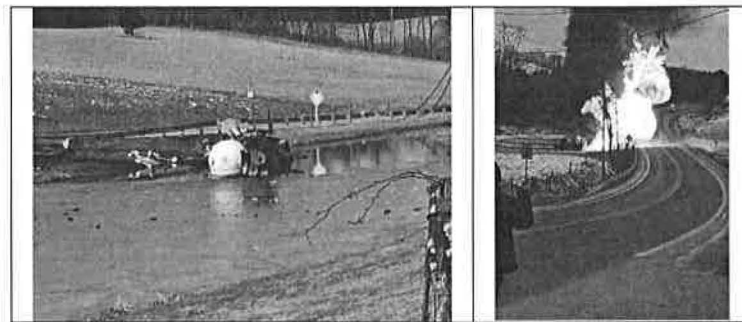
<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and "Critical Infrastructure" like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch', with a stylized flourish at the end.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com



POLICY MEMO FOR:

SB 33

“PROTECTING OHIO’S CRITICAL INFRASTRUCTURE”

Updated May 1, 2019 to reflect the bill's latest status:

AS PASSED BY THE SENATE

Sponsor(s)

Hoagland

Cosponsor(s)

Coley, Huffman, Maharath, Peterson, Rulli, Terhar, Wilson

What to Know

- Recently, protestors have crossed the line from peacefully protesting outside an energy facility to causing intentional damage to critical infrastructure.
- Senate Bill 33 does not restrict or limit anyone’s First Amendment right to free speech or one’s ability to protest peacefully.
- SB 33 expands civil remedies for owners of critical infrastructure facilities against individuals who willfully cause damage to their facilities.
- SB 33 ensures that trespassing and the destruction of infrastructure are criminal offenses under criminal mischief or criminal trespass.

The Bottom Line

- Peacefully protesting is a right which no one seeks to limit.
- However, when individuals engage in intentional conduct to damage infrastructure facilities, they put their lives and the lives of other people at risk.
- SB 33 is about protecting public safety.

Bill History

- 02/12/2019 – Introduced in Senate
- 05/01/2019 – Reported out of Senate Judiciary (8-2)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Ohio Chamber of Commerce• Ohio Chemistry Technology council• Coalition of Ohio	<p>Roxanne Groff, resident of Athens County – OPP</p> <p>Teresa Mills, resident of Franklin County – OPP</p>	<ul style="list-style-type: none">•

<p>Regional Districts</p> <ul style="list-style-type: none"> Ohio Rural Water Association 	<p>Carolyn Harding, resident of Franklin County – OPP</p> <p>Greg Pace, resident of Franklin County – OPP</p> <p>Elaine Tanner, resident of Wayne County - OPP</p> <p>Randy Cunningham, resident of Cleveland – OPP</p> <p>Berry Dilley, resident of Athens County – OPP</p> <p>Christine Hughes, resident of Athens County – OPP</p> <p>Lisa Abele, resident of Jackson County – OPP</p> <p>Nancy Sullivan, resident of Hamilton County – OPP</p> <p>Marjorie Shew, resident of Morgan County – OPP</p> <p>Catherine Froehlich Burkhart, resident of Belmont County – OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Anne Caruso, resident of Cuyahoga County – OPP</p> <p>Donna Goodman, resident of Athens County – OPP</p> <p>Rebecca Lachman – resident of Athens County - OPP (niece of former member Rom Amstutz)</p>	
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	Ruth Hardy – citizen of Ohio – OPP	
	Gilbert Rondy – resident of Athens County – OPP	
	Michelle Ajamian – resident of Athens County – OPP	
	Marguerite Hughes – resident of Athens County – OPP	
	Heather Cantino – resident of Athens County – OPP	
	Rev. Joan VanBecelaere – resident of Franklin Country – OPP	
	Katie O’Neill – resident of Cuyahoga County – OPP	
	Charlotte Owens – resident of Fairfield County - OPP	
	Nick Teti, resident of Coshocton County - OPP	
	Randy Cunningham, resident of Cuyahoga County – OPP	
	Katharine Jones, resident of Medina County – OPP	
	Andrea Chu, representing Food and Water Watch and resident of Franklin County – OPP	
	William Lyons, resident of Franklin County – OPP	
	Alison Grant, resident of Cuyahoga County – OPP	
	Jen Miller, Director with the	

	<p>League of Women Voters of Ohio - OPP</p> <p>Cathleen Finn, resident of Cuyahoga County – OPP</p> <p>Eileen McCully, resident of Cuyahoga County – OPP</p> <p>Patrick J. O'Connor, resident of Cuyahoga County – OPP</p> <p>Russ Fenster, resident of Harrison County – OPP</p> <p>Kathy Kerns, resident of Portage County – OPP</p> <p>Eric Fenster, citizen of Ohio – OPP</p> <p>Peggy Gish, resident of Athens County – OPP</p> <p>Ron Prosek, Vice-President of FaCT: Faith Communities Together and resident of Lake County – OPP</p> <p>JD Hohmann, resident of Franklin County – OPP</p> <p>Laura Skidmore, resident of Clark County – OPP</p> <p>Joseph A. Mosyjowski, citizen of Ohio – OPP</p> <p>Drake Chamberlin, resident of Athens County – OPP</p> <p>Ted Auch, Ph.D. – Great Lakes Program Coordinator with The FracTracker Alliance, resident of Cuyahoga County – OPP</p>	
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	<p>Lori Babbey, resident of Trumbull County – OPP</p> <p>Robert Krasen, resident of Franklin County – OPP</p> <p>Matt Kuhns, resident of Cuyahoga County – OPP</p> <p>Elizabeth Stansfield, citizen of Ohio – OPP</p> <p>Leann Leiter, representing Earthworks and citizen of Pennsylvania – OPP</p> <p>Laurie Albright, resident of Cuyahoga County – OPP</p> <p>Peter Gibbons-Ballew, resident of Athens County – OPP</p> <p>Carol Vernon, resident of Athens County – OPP</p> <p>Sylvia Chinn-Levy, resident of Summit County – OPP</p> <p>Donald Finn, resident of Cuyahoga County – OPP</p> <p>Loraine McCosker, resident of Athens County – OPP</p> <p>Robert Maher, resident of Athens County – OPP</p> <p>Kathryn Hanratty, resident of Geauga County – OPP</p> <p>Katie O'Neill, resident of Cuyahoga County – OPP</p> <p>Anastasia Birosh, resident of</p>	
--	--	--

	<p>Medina County – OPP</p> <p>Linda Kohar, citizen of Ohio - OPP</p> <p>Milena Miller, resident of Athens County – OPP</p> <p>Jay Klemme, resident of Wayne County – OPP</p> <p>Mary Ellen Berger, resident of Franklin County - OPP Leann Leiter, represents Earthworks – OPP</p> <p>Charlie Michelson, resident of Cuyahoga County – OPP</p> <p>Rev. Joan Van Becelaere, resident of Franklin County - OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Sandy Bolzenius, resident of Franklin County – OPP</p> <p>Elise McMath, Citizen - OPP</p> <p>Mageda Merbouh-Bangert, resident of Athens County – OPP</p> <p>Rebecca Acheson, resident of Athens County – OPP</p> <p>Thelma Seto, Citizen – OPP</p> <p>Glenn Campbell, resident of Cuyahoga County –OPP</p> <p>Pat Murray, resident of Cuyahoga County – OPP</p>	
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	Andrea Kleinhenz – resident of Cuyahoga County – OPP	
	Craig Kleinhanz – Citizen – OPP	
	Steven Cochran, Citizen – OPP	
	Marcia Wolff, resident of Summit County – OPP	
	Alexa Ross, resident of Athens County - OPP	
	Joe P. Pokladnik, P.E., resident of Tuscarawas County – OPP	
	Randi Pokladnik, Ph.D., resident of Tuscarawas County – OPP	
	Roxanne Groff, resident of Athens County – OPP	
	Anne Sparks, Citizen – OPP	
	Marcia Goldstein, resident of Athens County – OPP	
	Laurine Crowther, resident of Franklin County – OPP	
	Jane Richter, resident of Athens County – OPP	
	Patrick O'Connor, resident of Cuyahoga County – OPP	
	John Schmieding, resident of Athens County – OPP	
	Bob Parker, resident of Cuyahoga County – OPP	

	Jan Nespor, Citizen – OPP	
	Judith Trautman, resident of Lucas County – OPP	
	Madonna Brock, Citizen – OPP	
	Cheryl Johncox, representing the Sierra Club – OPP	
	Buckeye Environmental Network, presenting a petition to committee – OPP	
	Mary Ellen Berger, resident of Franklin County - OPP	
	Patricia Walker, resident of Medina County – OPP	
	Melanie Moynan-Smith, citizen of Ohio – OPP	
	Dianne Bouvier, resident of Athens County – OPP	
	Marsha N., citizen of Ohio – OPP	
	John Nagy, citizen of Ohio – OPP	
	Jeanne Heaton, resident of Athens County – OPP	
	Jim Wachtel, citizen of Ohio – OPP	
	Ann Moneypenny, resident of Athens County – OPP	
	Betsy Haehl, resident of Athens County – OPP	
	Greta Hanesworth, resident of Athens County – OPP	

	Maureen Welch, resident of Medina County – OPP	
	Maggie Kimble, resident of Lake County – OPP	
	Mary Costello, citizen of Ohio – OPP	
	Ivars Balkits, resident of Athens County – OPP	
	Ursula Korneitchouk, citizen of Ohio – OPP	
	Marlene Blatnik-Freeze, resident of Cuyahoga County – OPP	
	Kenneth Freeze, resident of Cuyahoga County – OPP	
	Josefa Soto, resident of Franklin County – OPP	
	Jill Hunkler, resident of Belmont County – OPP	
	Robert A. Kincses, resident of Greene County – OPP	
	Dennis Hunkler, resident of Belmont County – OPP	
	Joan Dowling, resident of Cuyahoga County – OPP	
	Patricia Marida, resident of Franklin County – OPP	
	Andrea Reik, resident of Athens County - OPP	
	Emma Shook, resident of Cuyahoga County – OPP	

	<p>Patrick Hunkler, resident of Licking County – OPP</p> <p>Caty Crabb, resident of Meigs County – OPP</p> <p>Michael Melampy, resident of Cuyahoga County – OPP</p> <p>Robin Lewis, resident of Portage County – OPP</p>	
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Miscellaneous Information



KEY VOTE ALERT

TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

DATE: May 1, 2019

RE: Floor Vote on Senate Bill 33

The Ohio Chamber of Commerce is pleased to support the strengthening of protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While Ohio fortunately has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. **The Ohio Chamber urges you to vote "yes" on SB 33.** If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.

WE'RE ALL FOR OHIO.



KEY VOTE ALERT

TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

DATE: May 1, 2019

RE: Floor Vote on Senate Bill 33

The Ohio Chamber of Commerce is pleased to support the strengthening of protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While Ohio fortunately has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

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SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. **The Ohio Chamber urges you to vote "yes" on SB 33.** If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.

WE'RE ALL FOR OHIO.

Philips, Caryl

Subject: Buckeye Environment Network Constituent -- Brine Issue and SB33 Judy Vershen-constituent Elaine Tanner 419- 945-2581 cell 419-685-0398

Start: Tue 3/19/2019 4:15 PM
End: Tue 3/19/2019 4:30 PM

Recurrence: (none)

Organizer: State Senator Michael Rulli

Philips, Caryl

From: Carol Gottesman <carolgotte@yahoo.com>
Sent: Friday, March 01, 2019 3:14 PM
To: State Senator Michael Rulli
Subject: SB33

Please vote NO on SB33. It attacks our freedom of speech. We have a right to object when our water, land and air is being poisoned and effecting our health and that of our children and grandchildren. As a Nurse I am very concerned about these issues.

Yours for Creating Wellness,
Carol Gottesman

330-759-0797 home
330-719-2766 cell (Voice only: NO Text)
www.carolgottesman.com/

Philips, Caryl

From: daisie.reish@frontier.com
Sent: Thursday, March 28, 2019 2:39 PM
To: State Senator Michael Rulli
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Daisie

Last Name : Reish

Address : 37390 Giles Rd

City : Grafton

State : OH

Zip : 44044

Phone : (440) XXX-4834

Email : daisie.reish@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
LEAGUE OF WOMEN VOTERS
2019 Statehouse Day Policy Asks
Vote yes on HB60 and HB19
Vote yes on SB43
Vote NO SB33
Introduce and pass Automatic Voter Registration legislation Support the Secretary of State's Budget in full Pause SB22
and improve poll worker incentives

Philips, Caryl

From: amehle123@gmail.com@mg.gospringboard.io on behalf of Anthony Mehle <amehle123@gmail.com>
Sent: Wednesday, May 01, 2019 3:49 PM
To: State Senator Michael Rulli
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Rulli,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

Anthony Mehle
6634 Covington Cove
Canfield OH, 44406-8161

Philips, Caryl

From: Carol Gottesman <carolgottesman@yahoo.com>
Sent: Friday, March 01, 2019 3:14 PM
To: State Senator Michael Rulli
Subject: SB33

Please vote NO on SB33. It attacks our freedom of speech. We have a right to object when our water, land and air is being poisoned and effecting our health and that of our children and grandchildren. As a Nurse I am very concerned about these issues.

Yours for Creating Wellness,
Carol Gottesman

330-759-0797 home
330-719-2766 cell (Voice only: NO Text)
www.carolgottesman.com/

Philips, Caryl

From: dawnkosec@yahoo.com@mg.gospringboard.io on behalf of Dawn Kosec
<dawnkosec@yahoo.com>
Sent: Wednesday, May 01, 2019 3:51 PM
To: State Senator Michael Rulli
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Rulli,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

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SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

Dawn Kosec
1895 Innwood Drive
Austintown OH, 44515-4839

Philips, Caryl

From: jaklkv88@gmail.com@mg.gospringboard.io on behalf of jill knecht <jaklkv88@gmail.com>
Sent: Wednesday, May 01, 2019 3:47 PM
To: State Senator Michael Rulli
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Rulli,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

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SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

jill knecht
3435 Winners Circle
CANfield OH, 44406-8155

Philips, Caryl

From: marciawolff@marciawolffdesigncouncil.com
Sent: Thursday, March 07, 2019 8:53 AM
To: State Senator Michael Rulli
Subject: SB33

Mr. Rulli,

HOW CAN YOU EVEN CONSIDER LEGISLATING THE USE OF BRINE BY-PRODUCTS SHOWN TO HAVE LEVELS OF RADIUM ABOVE SAFETY STANDARDS FOR PUBLIC USE!

WOULD YOU WANT YOUR CHILDREN, GRANDCHILDREN, YOUR PETS EXPOSED TO THIS TOXIC SUBSTANCE/

AND HOW WOULD ANYONE KNOW...WHEN THE CANCER DIAGNOSIS COMES YOU WILL BE THE CULPRIT!

SHAME ON YOU! NO TO SB33,

Marcia Wolff

Philips, Caryl

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely
Ted Auch

--

Ted Auch | Ph.D.
The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org
[The Dealership Co-Workspace](#), 3558 Lee Road, Shaker Heights, OH 44120
C: 802-343-6771
lsarpp@gmail.com
Twitter: @lsarpp
<http://www.shockedandpersuaded.com/>

“Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do” Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, and 4,000 miles of pipeline within the United States...The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

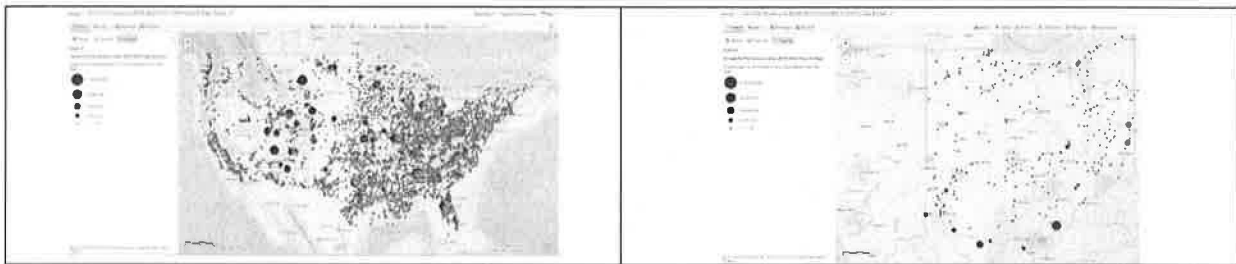
It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

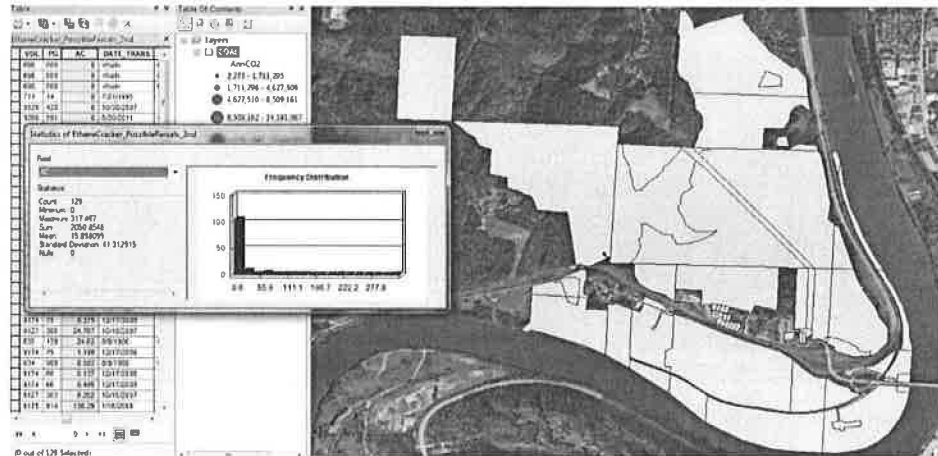
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



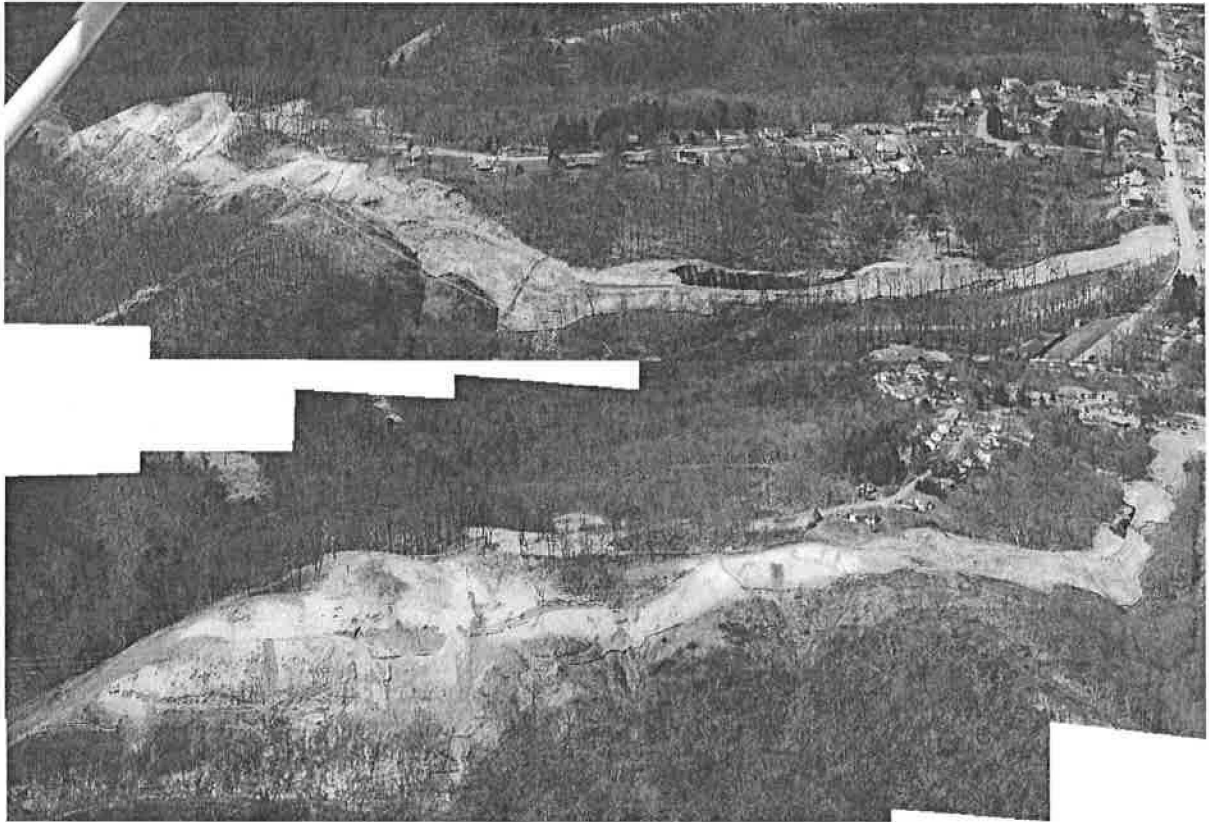
However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

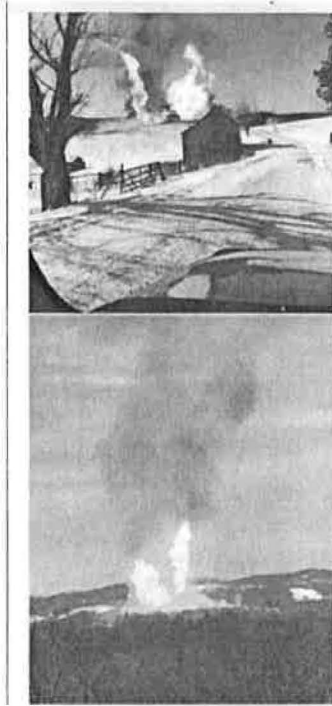
1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

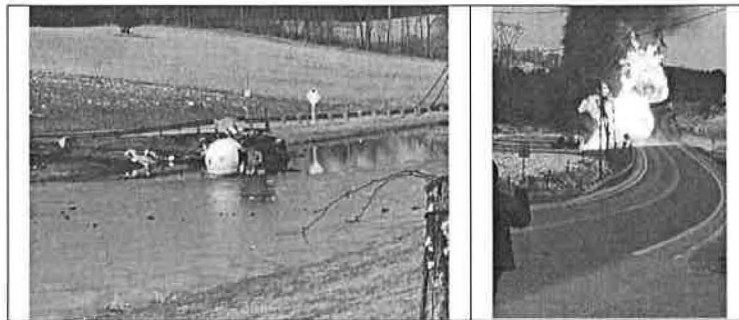
<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and "Critical Infrastructure" like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch'.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com

Probert, Kyle

From: State Senator Robert McColley
Sent: Wednesday, May 15, 2019 4:53 PM
To: 'terry poulson'
Subject: RE: Stand against SB 33 Anti-Protest Bill

Dear Terry,

Thank you for contacting Senator McColley's office regarding Senate Bill 33. We greatly appreciate you taking the time to share your perspective on this important issue. I will be sure to make Senator McColley aware of your concerns, and should you have any additional questions or comments, please feel free to reach out to the office any time.

Sincerely,

KYLE PROBERT

LEGISLATIVE AIDE
OFFICE OF STATE SENATOR ROB MCCOLLEY
OHIO SENATE DISTRICT 1
(614)466-8150

From: tpoulson=roadrunner.com@mg.gospringboard.io [mailto:tpoulson=roadrunner.com@mg.gospringboard.io] **On**
Behalf Of terry poulson
Sent: Wednesday, May 01, 2019 7:27 PM
To: State Senator Robert McColley
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. McColley,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

terry poulson
22120 SWITZER RD
DEFIANCE OH, 43512-1242

Probert, Kyle

From: State Senator Robert McColley
Sent: Wednesday, May 15, 2019 4:52 PM
To: 'sue lynch'
Subject: RE: Stand against SB 33 Anti-Protest Bill

Dear Sue,

Thank you for contacting Senator McColley's office regarding Senate Bill 33. We greatly appreciate you taking the time to share your perspective on this important issue. I will be sure to make Senator McColley aware of your concerns, and should you have any additional questions or comments, please feel free to reach out to the office any time.

Sincerely,

KYLE PROBERT

LEGISLATIVE AIDE
OFFICE OF STATE SENATOR ROB MCCOLLEY
OHIO SENATE DISTRICT 1
(614)466-8150

From: sue=bright.net@mg.gospringboard.io [<mailto:sue=bright.net@mg.gospringboard.io>] **On Behalf Of** sue lynch
Sent: Wednesday, May 01, 2019 3:49 PM
To: State Senator Robert McColley
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. McColley,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

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SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

sue lynch
1118 motz st
st marys OH, 45885-1540

Probert, Kyle

From: State Senator Robert McColley
Sent: Wednesday, May 15, 2019 4:51 PM
To: 'April Holbrook'
Subject: RE: Stand against SB 33 Anti-Protest Bill

Dear April,

Thank you for contacting Senator McColley's office regarding Senate Bill 33. We greatly appreciate you taking the time to share your perspective on this important issue. I will be sure to make Senator McColley aware of your concerns, and should you have any additional questions or comments, please feel free to reach out to the office any time.

Sincerely,

KYLE PROBERT

LEGISLATIVE AIDE
OFFICE OF STATE SENATOR ROB MCCOLLEY
OHIO SENATE DISTRICT 1
(614)466-8150

From: cholbro=bgsu.edu@mg.gospringboard.io [mailto:cholbro=bgsu.edu@mg.gospringboard.io] **On Behalf Of** April Holbrook
Sent: Wednesday, May 01, 2019 3:49 PM
To: State Senator Robert McColley
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. McColley,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy. Of course this should not pass! We are not a dictatorship!!!

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

April Holbrook
420 East Pearl Street
Findlay OH, 45840-5200

Probert, Kyle

From: State Senator Robert McColley
Sent: Tuesday, March 26, 2019 12:19 PM
To: 'Laura.striet@outlook.com'
Subject: RE: I want to share my thoughts on an issue or piece of legislation.

Dear Laura,

Thank you for contacting Senator McColley's office regarding Senate Bill 33. We greatly appreciate you taking the time to share your perspective on these important issues, and I apologize for the delay in our response. I will be sure to make Senator McColley aware of your concerns, and should you have any additional questions or comments, please feel free to reach out to the office any time.

Sincerely,

KYLE PROBERT

LEGISLATIVE AIDE
OFFICE OF STATE SENATOR ROB MCCOLLEY
OHIO SENATE DISTRICT 1
(614)466-8150

-----Original Message-----

From: Laura.striet@outlook.com [<mailto:Laura.striet@outlook.com>]
Sent: Monday, March 18, 2019 5:20 PM
To: State Senator Robert McColley
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Laura

Last Name : Strietelmeier

Address : 207 Lincoln Ave

City : Swanton

State : OH

Zip : 43558

Phone : (419) 309-9358

Email : Laura.striet@outlook.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

I am writing to ask you to vote No on Senate Bill 33. I am concerned that it would make certain kinds of protests, such as protesting pipelines, subject to a first degree misdemeanor, with a \$1000 fine and potentially jail time. I am also concerned that the bill imposes fines on organizations that are found guilty of "complicity", which includes soliciting, procuring, aiding, abetting, or conspiring. So essentially there is no way to stand up and voice your opposition. Thank you.

Sincerely,

Laura Strietelmeier

Probert, Kyle

From: State Senator Robert McColley
Sent: Tuesday, March 26, 2019 12:15 PM
To: 'TravelLover1947@yahoo.com'
Subject: RE: I want to share my thoughts on an issue or piece of legislation.

Dear Mary Ann,

Thank you for contacting Senator McColley's office regarding Senate Bill 33. We greatly appreciate you taking the time to share your perspective on these important issues, and I apologize for the delay in our response. I will be sure to make Senator McColley aware of your concerns, and should you have any additional questions or comments, please feel free to reach out to the office any time.

Sincerely,

KYLE PROBERT

LEGISLATIVE AIDE
OFFICE OF STATE SENATOR ROB MCCOLLEY
OHIO SENATE DISTRICT 1
(614)466-8150

-----Original Message-----

From: TravelLover1947@yahoo.com [<mailto:TravelLover1947@yahoo.com>]
Sent: Monday, March 18, 2019 12:33 PM
To: State Senator Robert McColley
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : MARY Ann

Last Name : CREADY

Address : 5717 COUNTY ROAD 2050

City : STRYKER

State : OH

Zip : 43557

Phone : (419) 410-8320

Email : TravelLover1947@yahoo.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
Sen. McColley,

I am writing to urge you to vote NO on Sen. Bill 33. I believe passing this bill would violate our right to free speech by denying us the right to protest. We are NOT under a dictatorship and I'd like it to stay that way. But if this bill passes, I fear that would head our country in that direction and open the flood gates to more & more bills like this that will undermine our constitutionally granted liberties. I will be watching to see how you vote on this issue as I have with other votes taken. Please don't vote simple party lines, vote your conscience. Passing this bill will undermine the strength of democratic rule. And I believe that simply voting along party lines actually is weakening the strength & integrity of the Republican Party.

Probert, Kyle

From: joannbayliss@gmail.com
Sent: Tuesday, May 14, 2019 10:09 AM
To: State Senator Robert McColley
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : JoAnn

Last Name : Bayliss

Address : 9844 County Road 20

City : West Mansfield

State : OH

Zip : 43358

Phone : (937) 935-1990

Email : joannbayliss@gmail.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
Senator McColley,

Senate Bill 33 is another example of, not only unnecessary legislation, but legislation that infringes on the constitutional rights of Ohio citizens' rights to assembly and protest.

Why is the Senate wasting time on SB 33 which rightfully so was abandoned in the previous Senate session? Adequate legislation exists.

Perhaps legislators should have spent more time combing through the Governor's budget to cut costs equivalent to spending hikes. Instead, new business regulations are passed: e.g., \$250 registration fee for tattoo artist!?

All the while surrounding states are outdoing Ohio enticing new businesses, retaining desirable employees, and deregulating Ohio's energy sector for new jobs and income sources. See Kentucky's model, which looks to income sources other than its citizen taxpayers. Imagine that.

Unfortunately, this is the tip of the iceberg. As a conservative I regretfully state, all of these legislative deficiencies have been brought to us by REPUBLICAN majorities for far too many legislative sessions.

I'm looking for a few hero legislators to lead the charge to remedy these deficiencies. They might be surprised by the positive support that would be generated.

Probert, Kyle

From: Ohio Chamber <jfeasel@ohiochamber.com>
Sent: Monday, May 06, 2019 12:07 PM
To: State Senator Robert McColley
Subject: Ohio Chamber Legislative Update - Tax Increase on Small Business Pending May 6



OHIO CHAMBER
of COMMERCE

Legislative Update

May 6, 2019

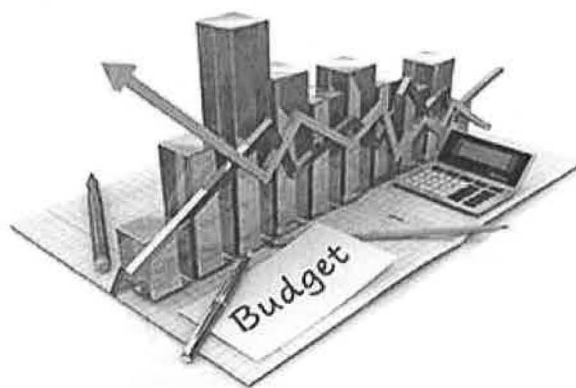
Read about the issues that impact your business.

We're All For

**Preserving the Business Investment
Income Deduction**

**House Changes to Budget Bill Include \$193
Million Tax Increase on Small Business
Owners**

On Thursday, the House Finance Committee revealed its first changes to the state budget, House Bill 166. Not surprisingly, the bill now contains numerous policy changes not in the as-introduced version of the budget first proposed by Gov. DeWine back in April. **[Continue reading.](#)**



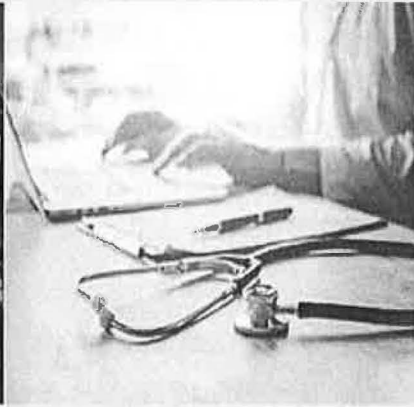
[Click here](#) to learn about the top bills we are following.

We're All for Providing Information

Be sure to read our latest blog posts on **allforohio.com** for additional information that is of interest to Ohio Chamber members.



Changes Made to Ohio Clean Air Program - The House Energy and Natural Resources Subcommittee on Energy Generation adopted their substitute version of House Bill 6 (Sub. HB 6), a major piece of energy legislation. [Read about the changes.](#)



Ohio Small Business Council Offers Continued Support for Insurance Bill - Last week, the Ohio Small Business Council (OSBC) offered support through written testimony and a letter of support for Senate Bill 9. [Read more about this legislation.](#)



Critical Infrastructure Bill Passes Senate - On May 1, the Ohio Senate passed Senate Bill 33, the critical infrastructure bill that we support and designated a Key Vote. [Read more about this Key Vote legislation.](#)

Call To Action

The House Finance Committee is expected to vote on their version of the state's budget on Tuesday. In this version, the House included a change to the Small Business Investor Income Deduction that would raise taxes on Ohio's small businesses. Currently, small business owners of pass-through entities can deduct 100% of the first \$250,000 of business income from their personal income tax return. The proposed change would reduce that deduction to \$100,000 which would result in small business owners paying nearly \$200 million more per year in income taxes.

Contact your legislators to let them know you don't support raising taxes on Ohio's job creators by participating in our Call to Action by [clicking here](#).

Contact Ohio Chamber Lobbyists

Keith Lake, Vice President Government Affairs

klake@ohiochamber.com

Zack Frymier, Director Energy & Environmental Policy

zfrymier@ohiochamber.com

Kevin Boehner, Director, Small Business & Workforce Policy

kboehner@ohiochamber.com

Kevin Shimp, Director, Labor & Legal Affairs

kshimp@ohiochamber.com

Tony Long, Director, Tax & Economic Policy

tlong@ohiochamber.com

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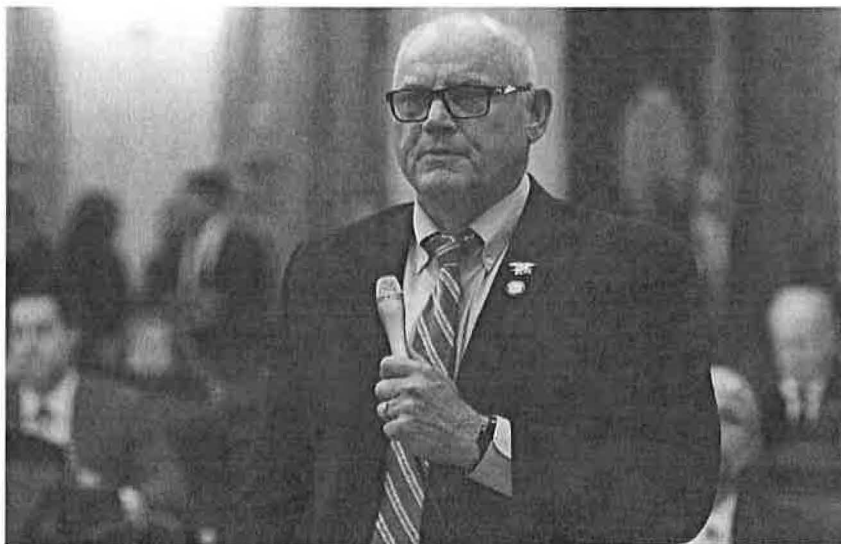
Probert, Kyle

From: Office of Senator Frank Hoagland <Hoagland@OhioSenate.gov>
Sent: Thursday, May 02, 2019 8:31 AM
To: State Senator Robert McColley
Subject: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure

Click [here](#) if you are having trouble viewing this message.



Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure



COLUMBUS—State Senator Frank Hoagland (R-Mingo Junction) yesterday announced the Senate passage of his bill to help protect critical infrastructure in Ohio by enhancing penalties associated with certain types of wrongful acts that disrupt vital operations. The measure passed by a vote of 24-8.

"Various forms of critical infrastructure provide essential energy, communications and vital services and products to the entire state," said Senator Hoagland. "Today's vote is an important step in protecting these facilities from vandalism and other destructive acts that have a

devastating impact on our communities' ability to function."

Senate Bill 33 prohibits criminal mischief, trespassing and aggravated criminal trespassing and would impose fines on organizations that are found to be complicit with these offenses.

The bill was inspired by a number of reports of tampering with valves and controls at pipeline facilities that can create extremely dangerous situations for employees of those facilities as well as citizens in the community.

Critical Infrastructure includes all of the following but is not limited to:

- Electricity Generation, Transmission, and Generation
- Gas Production, Transport, and Distribution
- Oil, Oil Products, Production, Transportation, and Distribution
- Telecommunication
- Water Supply
- Agricultural Resources, Food Production, & Distribution
- Heating
- Transportation Systems
- Security Services

Senate Bill 33 will now receive further consideration from the House of Representatives.

#

Senator Hoagland represents the 30th District in the Ohio Senate, which encompasses Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble and Washington counties as well as portions of Athens and Vinton counties. Learn more at www.OhioSenate.gov/Hoagland. To download a high-resolution headshot of Senator Hoagland, [click here](#).

Office Contact: Giovanna Loccisano at (614) 466-6508 or Hoagland@OhioSenate.gov



MAJORITY CAUCUS MEDIA CONTACT:

Dan Lusheck
Senate Majority Communications
Phone: (614) 644-5534
Email: Daniel.Lusheck@OhioSenate.gov

Click [here](#) if you don't wish to receive these messages in the future.

Probert, Kyle

From: Zack Frymier, Director Energy & Environmental Policy <zfrymier@ohiochamber.com>
Sent: Wednesday, May 01, 2019 10:46 AM
To: State Senator Robert McColley
Subject: Senate Floor Vote on SB 33



OHIO CHAMBER
of COMMERCE

KEY VOTE ALERT

TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



[Unsubscribe sd01@ohiosenate.gov](mailto:sd01@ohiosenate.gov)

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Sent by zfrymier@ohiochamber.com in collaboration with

Constant Contact 
Try it free today

Probert, Kyle

From: Champlin, Trent
Sent: Thursday, April 18, 2019 3:15 PM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.24.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 24th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 12 submissions total, on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

Probert, Kyle

From: newlinn09@gmail.com
Sent: Sunday, April 14, 2019 12:25 PM
To: State Senator Robert McColley
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Linda

Last Name : New

Address : 26367 LocustDrive

City : Olmsted Falls

State : OH

Zip : 44138

Phone : (440) 289-9232

Email : newlinn09@gmail.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
Senate Bill 33

Since November 2016 unprecedented numbers of protests have taken place in our country. With pipelines contaminating our soil and water, unconventional drilling threatening our air, and injection wells leaking dangerous waste into the ground, these protests have grown louder. In the past two years, people have lifted their voices, taking a stand against the damage done by extreme methods of fossil fuel extraction and the dangerous byproducts of continued oil and gas expansion. People in our country have a right to be heard.

Our Ohio elected officials should be engaging with their constituents and listening to the concerns these protesters are bringing to them. Elected officials are responsible for representing and acting according to the will of the community. The First Amendment guarantees the right of the people to assemble, the right to speak freely, and the right to petition the government. It is through these First Amendment rights that people bring their concerns to the attention of the government.

Instead of representing the interests and concerns of Ohioans, Senator Hoagland is attempting to define peaceful protests as felony offenses when a protest might lower the profits of privately owned companies that are connected to fossil fuel industry.

Senate Bill 33 specifically protects private oil and gas companies who come to Ohio, drill through our shale, tear up our land for pipelines, pour toxins into our air and water, then take their oil and gas out of Ohio to be sold elsewhere. In Senate Bill 33, "critical infrastructure" is specifically defined as any resource that might be needed by an oil and gas company drilling in Ohio or any resource that might be needed by polymer manufacturing facilities in Ohio. Senate Bill

33 proposes turning any effective objection to oil and gas corporations in Ohio into a felony offense and increasing fines to ten times the maximum allowable amount.

Senate Bill 33 is an unconstitutional suppression of our right to protest. Ohioans depend on unpolluted watersheds, thriving forests, clean air, and healthy soil. We have every right to object when private companies threaten these natural resources of air, soil, and water on which we have built our communities.

Senate Bill 33 does not represent the interests of Ohioans and will degrade the health of our families, our cities, and our state. Its goal is to maintain profits for national and international corporations. This bill should never become law in Ohio.

Probert, Kyle

From: Kathie Jones <kathieohio@gmail.com>
Sent: Tuesday, April 09, 2019 10:10 PM
To: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; O'Brien@ohiosenate.gov; State Senator Sean O'Brien
Subject: Senate Bill 33 - Testimony in Opposition and Witness Form
Attachments: Terstimony SB33.pdf; ATT00001.htm; Witness Form 1.pdf; ATT00002.htm

Senators:

Please see for your review my attached testimony with respect to SB33 which I earlier forwarded to Senator Eklund.

Thank you,
Katharine Jones

Sent from my iPhone

Senator Eklund -

I would like to testify on Wednesday, April 10th regarding my opposition to Senate Bill 33. Please find attached my testimony and Witness Form.

Please let me know if you should need any further information.

Thank you in advance for your consideration.

Katharine Jones

April 9, 2019

GoodMorning Chairman Eklund and Members of the Senate Judiciary Committee:

My name is Katharine Jones, and I am testifying as a citizen of Ohio and also as a member of Sustainable Medina County. Our group has held rallies and protested against the NEXUS pipeline and Wadsworth Compressor Station. You are probably not aware of the fact that not only does the NEXUS pipeline pose a very real threat to the residents of Medina County, but so does the Wadsworth Compressor Station as it will emit, via of blowdowns every 32 hours, toxic chemicals such as radon, benzene, toluene, formaldehyde, hydrogen sulfide all which will harm the health of the residents of Medina County, The Ohio EPA has said that it is never going to monitor the air around this compressor station. Medina County residents also protested because their properties were being taken by eminent domain and the pipeline was not for public use in Medina County but for the private company of Spectra Energy and the Canadian company, Enbridge.

I can tell you that not one person who has protested this pipeline in our County has ever broken any laws or caused any vandalism to any property, nor was there any trespassing. WE ARE NOT TERRORISTS!

I ask you, would any one of you not protest if your family's health and safety were in danger? Would you just sit there and let it happen. Do you really think it is wrong for people to protest to protect their air, their water, their soil, their environment?

We have merely been exercising our rights to freedom of speech and Senate Bill 33 is unconstitutional because it violates the First Amendment of the United States Constitution. We all have the right to Freedom of Speech.

I believe that the legislature is again abusing it's power by drafting another unconstitutional bill. You all were sworn into office to protect the public from harm and Senate Bill 33 has been written to protect the natural gas industry again. You ask us to respect you as elected representatives, yet you disrespect your constituents by trying to strip them of the right to peacefully protest to protect all that they hold dear - their homes and their families.


There are already laws in Ohio that punish vandals and trespassers so it seems that this bill is meant to merely intimidate and discourage us. We know that ALEC is promoting this bill. Please start listening to your constituents because one day the aforementioned harms could affect you and

your family and I don't think you would just sit there silently while your air and water and homes are destroyed.

Vote no on Senate Bill 33 - and know that we are all watching.

Respectfully,

Katharine Jones
(resident of Medina County, Ohio)

	<p style="text-align: center;">JUDICIARY COMMITTEE</p>
	<p style="text-align: center;">Witness Form</p>

Today's Date 4/9/19

Name: Katharine Jones

Address: 2606 Hidden Spring Lane

Wadsworth, OH 44281

Telephone: 330-334-8107

Organization Representing: Self Sustainable Medina County

Testifying on Bill Number: SB 33

Testimony: ☒ Verbal ☒ Written ☒ Both ☒

Testifying As: ☐ Proponent ☒ Opponent

Interested Party Are you a Registered Lobbyist? ☐ Yes

No ☒

Special Requests: _____

Probert, Kyle

From: Anastasia Birosh <abirosh@gmail.com>
Sent: Tuesday, April 09, 2019 3:32 AM
To: State Senator John Eklund
Cc: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Witness Form and Testimony on SB 33
Attachments: SB 33 Witness Form.pdf

To: Chairperson John Eklund
Ranking Member Cecil Thomas
Members of the Senate Judiciary Committee

Re: Opposition to SB 33

Dear Chairperson Eklund, Ranking Member Thomas and members of the Senate Judiciary Committee:

I am submitting this written public testimony to you as a concerned citizen and resident of Ohio.

The proponents (corporate interests) of this proposed legislation would have you believe that peaceful protest and peaceful direct action participants are paid "outlaws" and "terrorists." Do not be fooled. Peaceful protestors and direct action participants are simply exercising their rights of assembly and free speech.

SB 33 does nothing to protect the health and safety of Ohioans since the greatest threats and damage come from the very corporate interests this proposed legislation seeks to protect. Protestors have not caused frack fluid spills, or decimated farm fields. Protestors did not cause explosions at oil and gas facilities. Protestors have not compromised Ohio's regulatory bodies with money and influence.

Lastly, I am gravely concerned about the very independence of the Ohio Senate Judiciary Committee. Fifty percent of your members are associated with the American Legislative Exchange Council (ALEC) which operates primarily for the private benefit of its corporate members.

Ohio's communities and citizens need protection from corporate avarice and malfeasance, not the other way around. SB 33 is simply legislation designed by corporate interests for corporate interests.

I ask you, as elected officials, working for the benefit of the citizens and communities of the State of Ohio to vote no on Senate Bill 33 when it comes before you.

Sincerely,

Anastasia Birosh
Brunswick, Ohio

Probert, Kyle

From: Katie O'Neill <katiecorrinoneill@gmail.com>
Sent: Tuesday, April 09, 2019 12:35 AM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Senate Bill 33
Attachments: Katie O'Neill Senate Bill 33.docx

Concerning Senate Bill 33

April 8, 2019

Dear Senate Judiciary Committee,

I write to you again because I think it is imperative that you reject Senate Bill 33 because it raises First Amendment issues that are foreseeable to the critical eye. Environmental science makes critical judgments based on science, data, observation, and history to determine that an action may cause public and environmental harm that may not be seen for another 20-50 years. Currently we are seeing the reality of the climate-changing crisis that was called Global Warming when predicted by Exxon scientists 30-50 years ago. The calculated campaigns to deny the environmental effects of the gas and oil industry make me concerned, especially when I read in Senate Bill 33:

Section 2917.32(A)(1): "No person shall do any of the following: Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;"

Section (A)(4) includes the natural gas industry specifically:

"Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility."

When a report is prepared and circulated that the natural gas industry does not agree with and does not want to be shared, whose truth will be trusted? Who will say what is truth and what is false? Who has the greatest influence in the state of Ohio and equity for a trial? Recently an advisory opinion was released called "Session on Human Rights, Fracking and Climate Change" by Permanent Peoples' Tribunal^[1]. Will this be considered a report or warning that causes alarm and imposes a fine or criminal offense against first

amendment rights?

The first 20 pages of this advisory opinion by experts around the world is highly critical of the natural gas industry. I hope that this Judiciary Committee honors the United States First Amendment as this is circulated and read throughout the state. Environmentalists, property owners and citizens of Ohio are peacefully protesting against the natural gas industry because they fear water contamination, air pollution, and catastrophic effects of carbon dioxide and methane gas that cause Global Warming.

This is a time to create laws to slow the use of fossil fuels so that Ohio is the national example of environmental foresight and resiliency. Protests are necessary when the government does not listen to the public. People have a right to their opinions, to warn people of danger, to share what is happening in written form or by peaceful protest.

“In the US, authorities often fail to identify and map water bodies affected by fracking-related installations or take account of karst soils; often do not take earthquake or climate risks into account; and routinely and calculatedly prevent local knowledge from being incorporated into environmental studies.”pg.18

“For example, regarding the release of poisons into water, air, soil and geological formations, it is known that of the 240 chemicals used or created during the fracking process whose biological effects on humans have been studied, 157, or 65 per cent, are reproductive or developmental toxins. Substances universally used in the fracking system, such as benzene, toluene, ethylbenzene, xylenes, polycyclic aromatic hydrocarbons and endocrine-disrupting chemicals, are uncontroversially associated with developmental problems in infants, children and young adults. Another 781 chemicals used in fracking lack toxicity data entirely. Through its explosive disruption of subsurface geological layers, fracking also unavoidably spreads heavy metals and radioactive substances into water sources and other locations. Compressor stations along pipelines add contamination that includes nitrogen oxides, particulate matter, sulfur dioxides, volatile organic compounds and, of course, greenhouse gases.”pg.20

“The testimonies heard by the Tribunal strongly suggest the inadvisability of responding to such data with proposals for replacement or better regulation of the toxins associated with fracking. In the relevant political and technical context, such proposals would merely expand the scope for the deadly, large-scale experiments in poisoning humans and nonhumans that the fracking industry is currently conducting in violation of the Nuremberg Code.”pg.20

Senate Bill 33 has a section on trespassing, Section 2911.21(A)(5)(D)(1) creates a fine 10 times the amount of a first degree misdemeanor for organizations found guilty of complicity to those who “knowingly enter or remain on a critical infrastructure facility”. Peaceful protesting is guaranteed in the United States

Constitution so that people of all equitable standing can be heard. When people feel that an industry is coming into their community and dumping toxic liquid into their ground without dye to ensure that water contamination will be detected, without groundwater mapping or porosity capacity testing they are going to protest. The public knows that the practice of Class II injection wells causes earthquakes which is a consequence of liquid moving rock, the rock that is suppose to ensure the waste is contained. The fracking industry has a high-risk of harm, people will continue to protest, do not make it illegal to practice First Amendment rights during Global Warming.

Sincerely,

Katie O'Neill

Chagrin Falls, Ohio

Vermont Law School Candidate, 2019

^[1] <https://www.tribunalonfracking.org/wp-content/uploads/2019/04/AO-FINAL-3-28-19.pdf?fbclid=IwAR0RdsJ4yyWAVpCwnHbGUds1ueSrEgefud16D6mEhL04LLgpWILnxZXzMhg>

Probert, Kyle

From: Peggy Gish <peggygish@gmail.com>
Sent: Friday, April 05, 2019 7:38 PM
To: State Senator John Eklund; State Senator Bill Coley; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Senate Bill 33

Dear Sen. Eklund, and all on the Senate Judiciary Committee,

I'm writing in opposition to SB 33.

I'm particularly concerned about these sections:

Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .

"...Sec. 2911.211. (A)(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. A (2): No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility . (B) Whoever violates this section is guilty of aggravated trespass,. Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A)(2) of this section is a **felony of the third degree.**"

From the bill: "Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .

"...Sec. 2911.211. (A)(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. A (2): No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility . (B) Whoever violates this section is guilty of aggravated trespass,. Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A)(2) of this section is a **felony of the third degree.**"

Pipelines and fracking infrastructure are included in the definition of "critical infrastructure." So unspecified "tampering" at a pipeline site is a felony, while activity that could cause physical harm to another person (A1 above) done in a site *not* specified under this law is only a misdemeanor!

Like similar bills around the country, *promoted by the rightwing American Legislative Council, of which Ohio Senator and bill sponsor Frank Hoagland is a member*, the bill is clearly intended to stifle legitimate protest by creating harsh penalties for minor and vaguely defined infractions and by trying

to scare off environmental advocacy groups (who clearly have no control over the activity of individuals).

The actions in question—trespassing, vandalism—are already covered by existing laws. It seems clear that the aim of the bills is to intimidate protesters who draw attention to their concerns through civil disobedience, including minor infractions like blocking the gates of construction sites. Advocates say these protests are part of a long tradition of American civil disobedience dating back to the Boston Tea Party. Even just introducing these bills have the potential to stifle free speech and curtail activism.

Please oppose this effort to stifle our democratic rights.

Sincerely, Peggy Gish
13206 Dutch Creek Rd.
Athens, OH 45701

Probert, Kyle

From: Champlin, Trent
Sent: Friday, April 05, 2019 10:41 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.10.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

Probert, Kyle

From: Kim Landsbergen <kim.landsbergen@gmail.com>
Sent: Wednesday, April 03, 2019 3:48 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Cc: dmoore@icnl.org; contact@acluohio.org; nicholaskusnetz@gmail.com; acfanohio@gmail.com
Subject: Please oppose Senate Bill 33

Dear members of the Ohio Senate Judiciary Committee,

I write to request that you please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

I request that my comments, submitted here, be considered testimony and that another hearing be held. Today's action by your committee, to limit opposition presentations to 5 people, is circumventing democracy in the state of Ohio.

SB 33 is an unnecessary bill that unfairly targets those who oppose the fossil fuel industry, and risks violating free speech protections under the First Amendment.

Your committee has an opportunity to lead Ohio into a new future, or to drag us back into the polluting past. You may be surprised to learn that 77% of Americans support an increase of renewable energy (1-Yale Study). In October 2018, over 70% of those surveyed responded that they want reduced pollution and more renewable energy (2- Consumer reports).

In opposing SB 33 you will be on the right side of history by making decisions in support of renewable energy, reduced pollution, a new economy, and freedom of speech.

If you choose to support for SB 33, you are clearly doing the bidding of the fossil fuel industry in opposition to your electorate, and the momentum of Americans in this country. The country is watching what goes on in the state house and lobbyist offices in Ohio.

Thank you for opposing Senate Bill 33.

Sincerely,

Kim Landsbergen Ph.D.
Certified Senior Ecologist
website = kimlandsbergen.com
twitter and instagram @ treebiology

References:

1) <http://climatecommunication.yale.edu/visualizations-data/support-renewable-energy-funding/>

2) <https://www.consumerreports.org/alternative-energy/majority-of-americans-want-cleaner-energy-from-renewable-sources/>

Probert, Kyle

From: Andy Franz <andyfranz@gmail.com>
Sent: Tuesday, April 02, 2019 12:35 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Opposition to Ohio Senate Bill 33

Dear Senator,

My name is Andrew Franz and I am writing to you today to express my opposition to Ohio Senate Bill 33 which would increase punishments against those who might trespass or otherwise impede upon infrastructure projects like hydraulic fracturing operations by non-violent protesters. This bill is unnecessary as such actions are already criminalized under existing law, and seeks only to further intimidate non-violent acts of civil disobedience which has been used throughout American history in many notable and laudable campaigns against bigotry and tyranny. As an Ohioan I demand that you vote NO on this legislation.

Thank you,
Andrew Franz
Athens, OH

Probert, Kyle

From: Katie O'Neill <katiecorrinoneill@gmail.com>
Sent: Tuesday, April 02, 2019 11:51 AM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Senate Bill 33
Attachments: Senate Bill 33.docx

Dear Ohio Senate Judiciary Committee,

Senate Bill 33 is unconstitutional because it violates the First Amendment of The United States Constitution. All citizens of this nation have a right to the freedom of speech. Senate Bill 33 violates the First Amendment in Section 2917.32 (A)(1):

“No person shall do any of the following: Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;”

The natural gas industry is attempting to stop the discussion between the public and its government about the practices of the industry. Senate Bill 33 would make it illegal for the public to warn of the known risks of the natural gas industry. It is known that the industry has a potential to cause fires, explosions, crimes, and catastrophes from the drilling and transportation of natural gas. The legislature is abusing its power by drafting this unconstitutional bill.

The Ohio Legislature is sworn into office to protect the public from harm and Senate Bill 33 has been written to protect the natural gas industry from scrutiny. The Ohio Legislature has sworn an oath to protect the civil rights of the citizens of Ohio and Senate Bill 33 is attempting to violate those rights.

Sincerely,

Katie O'Neill

Vermont Law School, JD Candidate 2019
Permanent Residence of Chagrin Falls, Ohio
April 2, 2019

Probert, Kyle

From: Max and Cathy Burkhart <maxandcathy@gmail.com>
Sent: Tuesday, April 02, 2019 9:06 AM
To: State Senator Robert McColley
Subject: TESTIMONY in OPPOSITION to OHIO SENATE BILL 33

Today, I pray that Senator McColley opposes Ohio Senate Bill 33, because at its core this proposed bill seems so harmful to our shared Ohio democratic values.

Respectfully~
Catherine Froehlich Burkhart
37615 Chestnut Ridge Road
Barnesville, OH
Somerset Township/Belmont County OH
U.S.A

Probert, Kyle

From: Bob or Margie Hughes <hugh700es@hotmail.com>
Sent: Monday, April 01, 2019 11:03 PM
To: State Senator John Eklund
Subject: Proposed hearing on Ohio Senate Bill 33

April 1, 2019

Honorable John Eklund
Chair, Senate Judiciary Committee
Honorable Nathan H Manning
Vice Chair, Senate Judiciary Committee
Honorable Cecil Thomas
Ranking Minority Member, Senate Judiciary Committee
Honorable Member Senators
Senate Judiciary Committee

Dear Senator Eklund,

As a homeowner in Athens, Ohio and a concerned citizen, I am submitting these thoughts as my testimony regarding the referenced Senate Bill 33.

I am very concerned at the attempt to push through this dangerous legislation which acts to infringe upon the free speech of your fellow citizens. The attempt to limit the oral testimony from fellow Ohioans who happen to disagree with you is egregious. This type of tactic is threatening and attempts to thwart the basic rights afforded to all of us by the US Constitution. When this attempt to limit public testimony is brought out into the light of day, you may regret that you thought to proceed in such a totalitarian manner. This is not how Americans work through our disagreements. Fairness and transparency should be the goal of all honorable people, and especially elected leaders in our country.

Respectfully submitted,

Marguerite Hughes

Seigle Lane, Athens, Ohio

Probert, Kyle

From: Michelle Ajamian <michelle.ajamian@gmail.com>
Sent: Monday, April 01, 2019 10:20 PM
To: State Senator Robert McColley
Subject: Testimony against Senate Bill 33

I just learned that the deadline for opposing views in writing about [Ohio Senate Bill 33](#), the anti-protest, anti-First Amendment, free-speech-chilling bill is due on Tuesday at 9:15 a.m and that a hearing on Wednesday at 9:15 a.m. will allow only five opponents to present oral testimony. Short notice and limits to opposing views is hardly how we ensure democracy, is it?

I am writing tonight to oppose this bill to all members, including you, of the Senate Judiciary Committee to state that I oppose this dangerous legislation. It's a horror that opponent testimony is being limited, which is never the case for proponent testimony. The actions in question—trespassing, vandalism—are already covered by existing laws. Clearly, the aim of the bills is to intimidate protesters who draw attention to their concerns through civil disobedience, including minor infractions like blocking the gates of construction sites. Such protests are part of a long tradition of American civil disobedience dating back to the Boston Tea Party....This bill and others like it, have potential to chill free speech and curtail activism.

As a citizen who has voted in every election since I turned 18, I demand that this bill is not passed and is seen as unconstitutional.

Thank you.

Michelle Ajamian
Millfield, Ohio 45761

--

Sent from a tiny screen Michelle Ajamian Appalachian Staple Foods Collaborative Athens Food Policy Council Deep Garden Design Indiepeasant Enterprises, Ltd. Shagbark Seed & Mill 740-590-1501 "Zen is not some kind of excitement, but concentration on our usual everyday routine." - Shunryu Suzuki

Probert, Kyle

From: Leatra Harper <wewantcleanwater@gmail.com>
Sent: Monday, April 01, 2019 9:44 PM
To: State Senator Robert McColley
Subject: Please vote against SB33

Dear Senator McColley,

For your info, copied below is the Letter to the Editor submitted to the Sentinel Tribune. We hope that your vote will be against SB33 so that peaceful protesters don't have to be worried about being charged with a felony to express their free speech rights. Thank you for your consideration of this important matter.

Sincerely,

Leatra Harper

FreshWater Accountability Project

www.FWAP.org

Is the Ohio Legislature Representative of Ohioans or ALEC?

This Wednesday, the Ohio Senate will be taking opponent testimony on a bill introduced that would make it a felony to protest what is termed, "critical infrastructure." This is one of many similar bills being introduced into state legislatures throughout the U.S. as a result of the Koch-brother sponsored ALEC (American Legislative Exchange Council) initiatives to protect fossil fuel interests such as natural gas pipelines that are being opposed for many good reasons all across the country. Thanks to the bill's sponsor, Senator Frank Hoagland (who could also profit personally as he has interest in two Ohio security firms), ALEC and its benefactors in the legislature were able to get Senate Bill 33 to committee, despite the fact that such an infringement on our right to free speech will be usurped by corporations' rights to make huge donations to politicians in the guise of their "free speech." What we are seeing now since Citizens United is that the US is no longer of, by and for the people but of, by and for corporations to increase their profits and use legislative fiat to squash opposition and protest.

The bill is being heard in the Judiciary Committee. For some reason, proponent testimony allowed anyone to personally testify for the bill; but for the opponent testimony, we are limited to only five people, severely restricting our time to testify. This discourages an important opportunity to hear from Ohio constituents in opposition to this assault on free speech.

More people need to know what is happening in our state and national legislatures as corporations use money as speech to write favorable laws for themselves even if in violation of our rights. There is already a lawsuit in South Dakota because of the passage of such legislation, but still no accountability for those who supported it. Our taxpayer dollars pay for the salaries of legislators and the lawyers who defend bad decisions. Call your Ohio senator and tell them to SAY NO TO SB33. Then watch the vote to make sure that those who vote to make peaceful protest a felony get voted out at the next election. There are more bad bills like Ohio House bill HB393 that would make it legal to spread toxic, radioactive oil and gas waste on our roads. Who does your legislator care about – you or the corporate donors?

This Wednesday, the Ohio Senate will be taking opponent testimony on a bill introduced that would make it a felony to protest what is termed, "critical infrastructure." This is one of many similar bills being introduced into state legislatures throughout the U.S. as a result of the Koch-brother sponsored ALEC (American Legislative Exchange Council) initiatives to protect fossil fuel interests such as natural gas pipelines that are being opposed for many good reasons all across the country. Thanks to the bill's sponsor, Senator Frank Hoagland (who could also profit personally as he has interest in two Ohio security firms), ALEC and its benefactors in the legislature were able to get Senate Bill 33 to committee, despite the fact that such an infringement on our right to free speech will be usurped by corporations' rights to make huge donations to politicians in the guise of their "free speech." What we are seeing now since Citizens United is that the US

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Probert, Kyle

From: Kip Rondy <krondy@frontier.com>
Sent: Monday, April 01, 2019 8:12 PM
To: State Senator Robert McColley
Subject: Ohio Senate Bill 33

Dear Senator Mccolley,

I am writing you to express concerns over Ohio Senate Bill 33. Our Republic was founded on protest ; the Stamp Act, the settling west of the Appalachian Mountains, the protest of the Townshend Acts, to name a few. If it were not for the voices of the people in the street, women would not be able to vote today, and people of color would be relegated to poverty and service to their masters. Democracy is inherently messy and cumbersome, but thus far it is the best system of governance devised by human beings. Please allow the tradition of true patriotism to continue. Please vote no Senate Bill 33!

Thanks you for your Service,
Gilbert K Rondy
16232 Henry Road
Amesville,Oh 45711

Probert, Kyle

From: Ivars Balkits <isbalkits@gmail.com>
Sent: Monday, April 01, 2019 3:57 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: No on Ohio Senate Bill 33

Dear Senator:

I urge you in your role as member of the Senate Judiciary Committee to kill free-speech-chilling Ohio Senate Bill 33. It appears the aim of the bill is to intimidate those who draw attention to their concerns for the environment through legitimate organizing as well as acts of civil disobedience. Trespassing and vandalism are already covered by existing laws.

Please raise the standard for public health and citizens' rights to protect their families from the effects of climate change and harmful pollution of water and air in Ohio. Thank you.

Ivars Balkits

7779 Clarks Chapel Road
Athens, OH 45701

Probert, Kyle

From: Duerksen, Roland <duerksra@miamioh.edu>
Sent: Monday, April 01, 2019 3:55 PM
To: State Senator Robert McColley

We ask you to oppose Senate Bill 33. This bill is anti-democratic and intended to protect the profits of fossil fuel industries. The bill is also intended to intimidate and bankrupt those who conscientiously object to an industry's specific action.

In America, we people have the right to protest activity that we believe is harmful or immoral. Industries have the right to protect their property, and, when there is a clash, we have a court system to decide the issues.

Senate Bill 33 is unnecessary and unfair. Climate change is already causing harm and discomfort to many – those harmed have the right to be heard.

We ask you to oppose this unfair, unAmerican bill. Oppose Senate Bill 33.

Sincerely,

Mary Duerksen

Oxford Ohio

Probert, Kyle

From: Jody Dana <jodydana@me.com>
Sent: Monday, April 01, 2019 10:12 AM
To: State Senator Robert McColley
Subject: Senate Bill 33

Dear Mr McColley,

I am opposed to Senate Bill 33 and urge you to vote "no." This initiate was already voted down in December. Please stop wasting taxpayer dollars by relitigating the same issues over and over again.

There are already laws on the books that entities can use to reclaim damages. This proposal would do nothing more the restrict our rights as citizens to peacefully protest against those seeking to harm our environment against our wishes.

Respectfully,

Jody Dana
6733 Old Royalton Rd
Brecksville, Ohio 44141

Probert, Kyle

From: Chelsea Hindenach <yogachelsea@gmail.com>
Sent: Monday, April 01, 2019 7:35 AM
To: State Senator Robert McColley
Subject: Ohio Bill 33

Good morning Senator,

I'm writing this letter to urge you to oppose Senate Bill 33. This bill is a dangerous infraction upon our rights of free speech and assembly, and must be stopped. If the people cannot speak and stand up for their beliefs without gross punishment, then our government becomes a dictatorship. I am absolutely horrified that this bill would even be considered, as it undermines our constitutional rights. Again, please vote NO on Bill 33.

--

Chelsea Hindenach

Chelsea's Real Food, LLC
42726 Darwin Rd
Shade, OH 45776
419-957-3802

Probert, Kyle

From: Roxanne Groff <roxannegroff1227@gmail.com>
Sent: Sunday, March 31, 2019 8:04 PM
To: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Senate Bill 33
Attachments: Tragedies of oil and gas 2019 testimony.docx

Dear Honorable senators,

Surely you as legislators cannot support a bill that intimidates and suppresses the will of the people to exercise their 1st amendment rights to express concerns by the means of protest in any and all places that they know to be an assault on their health and well being. The so called critical infrastructures named in this bill have existed for years in Ohio. However, now that the oil and gas industry has created havoc on many unsuspecting communities, with noise, emissions of methane, excessive traffic, explosions, earth quakes, sickness and emotional stress, people are using their voices and their bodies to express their deep concerns over the under regulated industry.

These concerned citizens will be intimidated by the mere thought that they could be arrested for their actions and fined bankruptcy amounts of money, and then carry a felony record! What kind of lawmakers would support such laws?!

Why are people concerned enough that they feel they need to protest at pipelines and well pad and injection well sites? See the attached for a short list of explosions and earthquakes in our rural Ohio communities.

SB 33 is unnecessary and most likely unconstitutional and certainly threatening to our society. The actions that Senator Hoagland (my senator) are concerned about are not happening in Ohio! This is an overreaching chilling piece of legislation that must be voted down.

Thank you for your deep consideration of this bill.

Very sincerely,

Roxanne Groff
Amesville Ohio 45711
740-707-3610

A worker was killed in an oil and gas explosion in Bolivar, Tuscarawas County, Ohio, on July 16, 2012. According to the report, the oil and gas worker was killed when the storage tank he was performing maintenance work on exploded. The blast resulted in flames over 50 feet high.

On February 10, 2011, a natural gas pipeline exploded in Hanoverton, Columbia County, Ohio, shooting flames approximately 200 feet into the air. According to reports, the blast could be seen for nearly 40 miles away within a five-county area ranging from Steubenville, Ohio to Pittsburgh, Pennsylvania. The pipeline was part of the Tennessee Gas Pipeline

June 28, 2014 – Monroe County, fire, one injured at the Eisenbarth well pad. Twenty trucks and all the storage tanks with waste exploded and there was a one mile radius evacuation and killing 70,000 fish in the nearby stream.

A pipeline owned by Dominion and Caiman Energy II. Carrying condensate exploded Oct. 28, 2014 causing a huge fire covering several acres in a wooded area of Monroe County, Ohio.

October 30, 2014

MINGO JUNCTION - Residents were allowed to return to their homes yesterday and an investigation into a malfunction at a gas well near the Mingo Sportsmen's Club off county Road 26 that allowed natural and methane gas to leak into the atmosphere is now under way. This was a Utica Shale gas well. The well head lead released millions and millions of cubic feet of gas. **The well head was releasing 5,900 pounds per square inch and it was a very dangerous situation.**

Drilling worker injured in Guernsey County explosion

October 27, 2014

A well worker in Guernsey County was injured late Friday in a well explosion. The injured worker was airlifted to the burn unit at Akron Children's Hospital.

An Explosion, a Fire, and an Uncontrollable Gas Leak at an XTO Energy well pad near Powhatan Point, Ohio 2/19/18 100 people were told to evacuate their homes.

This incident comes just a couple weeks after a pipeline explosion and fire about 40 miles east, just north of Summerfield, in Noble County, Ohio. In that case, the 24 inch lateral was owned by Tallgrass Energy. February 2018

The explosion and resulting fire injured a 12 year old boy, destroyed three homes and caused damage to three additional homes and the surrounding terrain, including Smithberger Road one year later again in Noble county. January 2019. Enbridge Inc., the Canadian energy company that owns Texas Eastern Transmission.

1/2017 Hydraulic fracturing at two well pads in Mahoning County caused 77 small earthquakes last March along a previously unknown geologic fault, a new scientific study says.

There are NO granted public hearings for any Class II injection well in Ohio. ODNR requires :

No air monitoring of VOC's

No ground water monitoring for potential contamination of private wells

No seismic monitoring for potential earthquake activity

No way of testing for possible migration of contamination through fissures created by constant high pressure injections.

No mapping of aquifers in the region (Athens County)

No public notice for chief's order to inject waste

No requirements for an application to reveal the complete schematic of the holding facilities or its operation.

No testing for radioactive material in the waste

No local control

No monetary or job benefit to local communities

No limits on air emissions venting from the waste storage tanks

No vapor recovery requirements for waste storage tanks, one of which holds 2.5 million gallons (Athens County)

No lightning arrestors on this 2.5 million gallon tank or any others at the site

Probert, Kyle

From: Village Bakery <villagebakery@dellazona.com>
Sent: Sunday, March 31, 2019 7:05 PM
To: State Senator Robert McColley
Subject: SB 33 opponent testimony

Opponent testimony for SB 33 3/31/2019

Dear Senator McColley,

Please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

Laws already exist to charge those who make the hard choice to participate in nonviolent civil disobedience in our communities. Industries have the right and the means to protect their property, and citizens have the right to protest industrial activity that we believe is harmful or immoral. Industries have profits to protect, and citizens have health and safety to preserve, for ourselves and our children. When these two objectives clash, we have a court system to help determine which objective takes priority.

SB 33 is an unnecessary bill that unfairly targets those rightfully alarmed young citizens who will suffer the most from climate impacts caused by the fossil fuel industry's decades of denial. Thank you for opposing Senate Bill 33.

Sincerely,

Christine Hughes

69 Grosvenor St.

Athens, OH 45701

(740) 592-1596

Probert, Kyle

From: Berry Dilley <brrydlly@gmail.com>
Sent: Sunday, March 31, 2019 5:37 PM
To: State Senator Robert McColley
Subject: Ohio Senate Bill 33

Testimony against Ohio Senate Bill 33: This is an outrageous bill whose intent is to silence citizens expressing their opposition to proposed legislative action through demonstrations and protests. Citizens have an obligation and a right to speak against governmental actions which are felt to be against the health and well being of the larger community.

Thank you for voting against this bill. Berry Dilley, Athens, Ohio

Probert, Kyle

From: JM <jmadaffer@gmail.com>
Sent: Sunday, March 31, 2019 12:27 PM
To: State Senator Robert McColley
Subject: Senate Bill 33

Hello,

I am a concerned Ohio voter. I ask you to reject Senare Bill 33.

I am shocked to learn of the undemocratic process being used in an attempt to push this bill through. The committee is restricting in-person opponent testimony to a limit of five. The committee did not limit proponent testimony, why would they limit opponent testimony?! So basically the committee that is trying to stop Ohioans from using our first amendment rights is also preventing us from publicly speaking out against this bill.

Is this still America? Democracies hear the voice of the people! Please do the right thing and reject SB33.

Jen Madaffer

Probert, Kyle

From: Champlin, Trent
Sent: Thursday, March 28, 2019 9:52 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.3.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 3rd** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

Probert, Kyle

From: Ohio Chamber <jfeasel@ohiochamber.com>
Sent: Monday, March 25, 2019 9:06 AM
To: State Senator Robert McColley
Subject: Ohio Chamber Legislative Update March 25



OHIO CHAMBER
of COMMERCE

Legislative Update

March 25, 2019

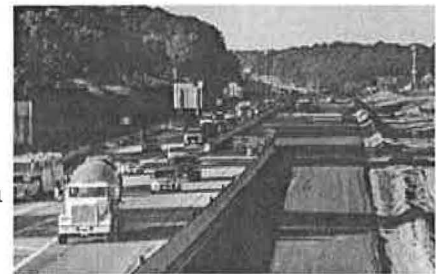
Read about the issues that impact your business.

We're All For

**Parity Between Gasoline and Diesel Fuel Tax;
Adequate & Reliable Transportation Funding**

**Senate Restores Parity in the Motor Fuel Tax Rates,
Passes 6 Cent Increase**

Prior to passing House Bill 62 (the Transportation Budget) by a vote of 24-6, the Senate heard the concerns of the Ohio Chamber of Commerce and restored parity between the gasoline and diesel fuel tax. [Continue reading.](#)



[Click here](#) to learn about all of the bills we are following.

We're All for Providing Information

Be sure to read our latest blog posts on allforohio.com for additional information that is of interest to Ohio Chamber members.



**Chamber Urges Swift Passage of Critical
Infrastructure Bill**



**The House Reintroduces Reform of Real
Property Tax Valuation Appeals Process**

The Senate Judiciary Committee heard testimony last week on Senate Bill 33, legislation that strengthens protections for critical infrastructure. [Continue reading.](#)



Legislation Creates Incentives for Opportunity Zone Investors

One of the Ohio Chamber's tax public policy priorities is the incentivization of Opportunity Zones to drive investment into the state of Ohio. [Read more.](#)

Currently, Ohio is only one of a handful of states that allow a third party to initiate complaints against real property owners. [Continue reading.](#)



OSBC Supported Legislation Passes Ohio Senate

On March 21, the Ohio Senate unanimously passed Senate Bill 9; legislation that would require a health plan issuer to release each group policyholder's monthly claims data. [Read more.](#)

Contact Ohio Chamber Lobbyists

Keith Lake, Vice President Government Affairs

klake@ohiochamber.com

Zack Frymier, Director Energy & Environmental Policy

zfrymier@ohiochamber.com

Kevin Boehner, Director, Small Business & Workforce Policy

kboehner@ohiochamber.com

Kevin Shimp, Director, Labor & Legal Affairs

kshimp@ohiochamber.com

Tony Long, Director, Tax & Economic Policy

tlong@ohiochamber.com

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Probert, Kyle

From: Ruth Hardy <ruth.h.hardy@gmail.com>
Sent: Tuesday, April 30, 2019 9:02 PM
To: State Senator Nathan Manning; State Senator Bill Coley; State Senator Cecil Thomas; State Senator Teresa Fedor; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Sean O'Brien; State Senator Steve Wilson; State Senator Theresa Gavarone; State Senator Robert McColley
Subject: Please oppose SB 33

Please oppose SB 33, the proposed bill to “Modify criminal and civil law for critical infrastructure damage”, for the following reasons:

1. SB 33 violates due process by singling out certain infrastructure that it arbitrarily labels as “critical”.
2. SB 33 violates free speech and the right to assemble, which will be judged unconstitutional in courts of law.
3. Nonprofit organizations, through guilt by association, can be held liable for the actions of others, and they may be assessed penalties that are 10 times greater than those which individuals would receive. Both individuals and organizations may be punished for actions perpetrated by provocateurs embedded in protests by industry or the government, or by individuals unrelated to the organization.
4. The vast majority of environmental activists are nonviolent and respectful of property. Since trespass and property damage are already covered by Ohio law, this legislation is redundant and apparently aimed at intimidating conscientious citizen advocates.
5. The oil and gas industries are actually the criminals, but somehow they escape prosecution, using their vast wealth to obtain protection and subsidies from legislators. Not only were they aware of the destructive potential of climate change for decades, they also knew that CO2 and methane (which is over 30 X more powerful as a greenhouse gas) emissions were major causes of the precipitous warming of the oceans & atmosphere. Yet they denied and covered up the evidence, while at the same time designing their drilling rigs to compensate for the sea level rise they knew was going to happen. How is this not criminal?

Environmental advocates are acting ethically by working hard to oppose expanded drilling of oil and gas. We are using our voices to draw attention to the urgency of sharply reducing the burning of fossil fuels in order to protect our health, our biosphere and our economy. Like the Founders, we believe it is our moral duty to protect future generations, who will suffer from increasing extreme destructive weather, droughts, flooding, water scarcity, food scarcity and

increased pests and diseases as well as crushing costs for emergency response, mitigation and adaptation.

6. The fingerprints of ALEC are all over this egregious legislation, further eroding their already damaged credibility. If Alec truly wanted to help Ohio, they would assist the state in making the transition to renewable energy. Instead, they are helping Ohio lag behind most of the other Midwestern states whose economies are getting a much-needed boost thanks to renewable energy. Businesses are attracted to clean & green energy states, where energy costs are lower. They know that economies based on clean energy are likely to thrive, whereas those based on fossil fuels are stuck in boom/bust cycles, high health care costs, high energy costs, polluted water & air, and job loss.

SB 33 should not go to a vote. Please oppose it.

Thank you,

Ruth Hardy

7757 Anderson Oaks Dr.

Cincinnati OH 45255

Probert, Kyle

From: Patricia A. Walker <paw@walkerandjocke.com>
Sent: Monday, April 29, 2019 9:42 PM
To: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien; State Senator Larry Obhof
Cc: ekund@ohiosenate.gov
Subject: Fwd: Comment on SB 33
Attachments: Comment concerning SB 33.docx

President of the Senate, Senator Obhof
Chair Senator Eklund
Vice Chair Senator Manning
Members of the Ohio Senate Judiciary Committee

Attached are my comments that were sent on April 23 to Senator Ekund in opposition to SB 33.

Respectfully,

Patricia A. Walker

----- Forwarded Message -----

Subject: Comment on SB 33
Date: Tue, 23 Apr 2019 20:54:22 -0400
From: Patricia A. Walker <paw@walkerandjocke.com>
To: Senator Eklund <eklund@ohiosenate.gov>

The Honorable Senator Eklund

Please see my comment on SB 33 that is attached.

Thank you.

Respectfully,

Patricia A. Walker
231 South Broadway
Medina OH 44256-2601

--

Walker
&
Jocke

Walker & Jocke Co., LPA
231 South Broadway

Medina OH 44256-2601 U.S.A.
+330 721 0000 Telephone
+330 722 6446 Facsimile
<http://www.walkerandjocke.com>

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Comment concerning SB 33

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and the members of the Senate Judiciary Committee,

I appreciate the opportunity to express my opinion concerning the pending legislation, SB 33. I request that the Committee not pass the legislation out of Committee.

I am an Ohio citizen. I value the rights that I have under the Ohio and U.S. Constitutions. They include the Right to Assemble and the Freedom of Speech. The Ohio Constitution states in Article I §3:

The people have the right to assemble together, in a peaceable manner, to consult for the common good; to instruct their Representatives; and to petition the General Assembly for the redress of grievances.

Further Article I §11 states:

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.

The drafters of the Ohio Constitution found the rights to assemble and freedom of speech to be so important that they put those rights and the other important rights of the Bill of Rights in the first Article of the Ohio Constitution.

The Ohio Constitution prohibits even legislation that has a chilling effect on the Right to Assemble and Freedom of Speech. If SB 33 is enacted it will have a chilling effect on those rights. I request the Committee not vote SB 33 out of Committee.

Thank you for listening.

Patricia A. Walker
231 South Broadway
Medina OH 44256-2601

Probert, Kyle

From: Mosie <mosie5838@gmail.com>
Sent: Monday, April 29, 2019 10:11 AM
To: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator John Eklund; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Witness Testimony in opposition to SB 33
Attachments: Witness form JUDICIARY COMMITTEE SB33.docx

Please find my testimony in opposition to SB 33, attached with my witness testimony form and copied below.

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of "critical infrastructure facilities" which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

This bill violates the right of people to peaceably assemble, to bring public attention to health and safety concerns, and to protest fossil fuel activities and installations which have the capacity to impact the health and safety, quality of life, and activities of daily living of Ohio citizens. This bill curtails the ability to observe installations which critically affect the quality of air and water and the environment in the state of Ohio at a time when environmental impacts are crucial to our global future.

This bill makes criminal public assembly and the observation and reporting of activities or installations that may harm the public health and safety. This bill makes criminal sharing concerns and information related to the public health and safety.

This bill criminalizes photography or videoing of activities and installations in plain view and criminalizes making the resulting photographs/video available to the public.

This bill makes it a criminal offense to "text" regarding events or activities which may impact the public health and safety.

This bill targets non-profit, grassroots citizen organizations made up of volunteer, concerned citizens who take their time to educate themselves and volunteer their time and talents to participate in the democratic process which may include peaceful assembly and peaceful civil disobedience, as well as education of the public to the impacts of activities and installations of the fossil fuel industry. Grassroots organization operating on a shoestring may be levied with fines of up to 10 X the amount of an individual citizen, fining grassroots organizations up to \$100,000. Grass roots organizations may be fined based on the actions of one citizen whose actions they cannot control, and that the grassroots organization does not state responsibility for.

Ohio must not pass legislation to limit citizen's constitutional rights or intimidate citizens freedom of speech or curtail activism.

Ohio must not limit the constitutional rights of Ohio citizens at a time our government is rolling back air and water quality standards and endangering our environment and air and water quality.

Ohio must not make criminal public discourse in the form of the written word, statements, photos, or videos regarding impacts to public health and safety.

The constitutional freedoms of the citizens of the State of Ohio must not be limited to the benefit fossil fuel corporations.

Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273
Working for Fair Districts and Voting Rights for Citizens in Ohio
330-618-5838

Probert, Kyle

From: S. Stark <blueheronhummer@gmail.com>
Sent: Sunday, April 21, 2019 1:41 PM
Cc: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Official Testimony regarding SB 33
Attachments: SB 33 testimony, 4-2019.pdf

Dear Senator Eklund,

As I do not see that my testimony has been recorded in the Ohio Senate archives on this bill, I am resending this testimony.

I am taking time from my inordinately busy life today to write to you to give record of my testimony regarding SB 33.

I have followed the progression of this supremely un-American legislation since its first iteration in the seriously flawed SB 250, last year.

That this un-American law has continued to be proposed and supported by some of our Ohio legislators is truly alarming to me, causing me to question the moral integrity and competence of those who have been entrusted with the responsibility to act on behalf of Ohio citizens.

On its face, this proposed legislation is an obvious attempt to intimidate, muzzle, and punish dissident opinion. It is extreme in its punishment. Laws are already on the books to deal with trespassing and vandalism. To draft a law that protects commercial interests over residents' concerns, and then remove the ability of redress by those residents when the commercial operations threaten residents' quality of life, is tantamount to fascism. It is incompatible with our most basic lawful rights and legal protections, on both the state and federal levels.

If there are those in the halls of the Ohio Congress who wish to remove the most basic and sanctified rights of the state's people to voice their disapproval when other methods have not proven successful—civil disobedience, which is the hallmark of a healthy, functioning democracy—then, those legislators are suspect of abuse of their privilege to represent the people.

I ask you to review our great country's essential documents, such as the Declaration of Independence and US Constitution. I ask you review classic historical issues like The Boston Tea Party. I ask you to honor your position of responsibility and authority to deny any such attempts to muzzle dissidence, diversity of opinion, and civil disobedience.

Thank you for your considerate attention. I hope to hear that you have supported a healthy, democratic future for our great state of Ohio.

Sincerely,

Shelley Stark

Shelley Stark
PO Box 4
32 N. Franklin St.
Amesville, OH 45711
H/O: 740-448-7552

April 21, 2019

Dear Senator Eklund,

I am taking time from my inordinately busy life today to write to you to give record of my testimony regarding SB 33.

I have followed the progression of this supremely un-American legislation since its first iteration in the seriously flawed SB 250, last year.

That this un-American law has continued to be proposed and supported by some of our Ohio legislators is truly alarming to me, causing me to question the moral integrity and competence of those who have been entrusted with the responsibility to act on behalf of Ohio citizens.

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If there are those in the halls of the Ohio Congress who wish to remove the most basic and sanctified rights of the state's people to voice their disapproval when other methods have not proven successful—civil disobedience, which is the hallmark of a healthy, functioning democracy—then, those legislators are suspect of abuse of their privilege to represent the people.

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Thank you for your considerate attention. I hope to hear that you have supported a healthy, democratic future for our great state of Ohio.

Sincerely,

Shelley Stark

Shelley Stark
PO Box 4
32 N. Franklin St.
Amesville, OH 45711
H/O: 740-448-7552

Probert, Kyle

From: Anastasia Birosh <abirosh@gmail.com>
Sent: Tuesday, April 09, 2019 3:32 AM
To: State Senator John Eklund
Cc: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Witness Form and Testimony on SB 33
Attachments: SB 33 Witness Form.pdf

To: Chairperson John Eklund
Ranking Member Cecil Thomas
Members of the Senate Judiciary Committee

Re: Opposition to SB 33

Dear Chairperson Eklund, Ranking Member Thomas and members of the Senate Judiciary Committee:

I am submitting this written public testimony to you as a concerned citizen and resident of Ohio.

The proponents (corporate interests) of this proposed legislation would have you believe that peaceful protest and peaceful direct action participants are paid "outlaws" and "terrorists." Do not be fooled. Peaceful protestors and direct action participants are simply exercising their rights of assembly and free speech.

SB 33 does nothing to protect the health and safety of Ohioans since the greatest threats and damage come from the very corporate interests this proposed legislation seeks to protect. Protestors have not caused frack fluid spills, or decimated farm fields. Protestors did not cause explosions at oil and gas facilities. Protestors have not compromised Ohio's regulatory bodies with money and influence.


Lastly, I am gravely concerned about the very independence of the Ohio Senate Judiciary Committee. Fifty percent of your members are associated with the American Legislative Exchange Council (ALEC) which operates primarily for the private benefit of its corporate members.

Ohio's communities and citizens need protection from corporate avarice and malfeasance, not the other way around. SB 33 is simply legislation designed by corporate interests for corporate interests.

I ask you, as elected officials, working for the benefit of the citizens and communities of the State of Ohio to vote no on Senate Bill 33 when it comes before you.

Sincerely,

Anastasia Birosh
Brunswick, Ohio

	<p style="text-align: center;">JUDICIARY COMMITTEE</p>
	<p style="text-align: center;">Witness Form</p>

Today's Date April 9, 2019 - 3:15 am

Name: Anastasia Birash

Address: 1482 Harvard Dr.
Brunswick, OH 44212

Telephone: 216-255-4410

Organization Representing: myself a concerned citizen

Testifying on Bill Number: SB 33

Testimony: ☐ Verbal ☒ Written ☐ Both

Testifying As: ☐ Proponent ☒ Opponent ☐ Interested Party

Are you a Registered Lobbyist? ☐ Yes ☒ No

Special Requests: _____

Written testimony is a public record and may be posted on the Ohio Senate's website

Probert, Kyle

From: Loraine McCosker <loraine.mccosker@gmail.com>
Sent: Monday, April 08, 2019 11:59 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Comment in opposition to SB 33
Attachments: Loraine McCosker SB 33 Testimony April 8, 2019.docx

Senator Eklund and Judiciary Committee Members,

Please see my attached comments opposing SB 33.

Best regards,

Loraine McCosker
Athens Ohio

Loraine McCosker
59 Elmwood Place
Athens Ohio 45701

Ohio Senate Judiciary Committee

Chair Senator John Eklund

4/8/2019

Senator Eklund and Judiciary Committee members,

I hereby submit testimony in opposition to Senate Bill 33 as a constituent residing in Athens county.

I would like to say that the majority of people do not choose protest for any reason other than the regulatory and political structure does not address their concerns.

This oppositional protest is often an effort to encourage entities to consider, examine and evaluate the concerns of the protester and hopefully engage in consideration and evaluation. I have exercised the right many times. Dissent is a key component of Democracy. As a 63 year old person, I believe it is my civic duty to exercise this right. This is the foundational right of all citizens.

The bill seeks to discourage public participation guaranteed by the constitution

The fines and penalties imposed in SB 33 are anathema to free speech and protest, set forth by the constitution. This bill therefore in effect, violates the constitution and places corporate power and wealth above the rights of citizens. SB 33 is designed to prevent protest activities that have not occurred in Ohio.

Trespass

SB 33 addresses trespassing of industrial infrastructure. This is unnecessary -- there are already Ohio laws regulating trespassing. With this bill the legislature appears not to recognize Ohio's existing laws that prosecute anyone who trespasses on or damages infrastructure.

The bill supports industry at the expense of the common good

The bill directly incorporates "model" legislation drafted by the Koch Brothers funded American Legislative Exchange Council ("ALEC") which calls this proposal "The Critical Infrastructure Protection Act." The ALEC organization brings together corporate lobbyists and conservative state legislators to draft bills promoting a corporate agenda in statehouses nationwide.

It is your duty, as legislators, entrusted to represent the public good and future of the public good to oppose substitute SB 33 in all forms.

Respectfully submitted,

Loraine McCosker, Loraine.mccosker@gmail.com

Probert, Kyle

From: ljalbright@hotmail.com
Sent: Monday, April 08, 2019 9:43 PM
To: State Senator Robert McColley
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Laurie

Last Name : Albright

Address : 3617 Silsby Rd

City : University Hts

State : OH

Zip : 44118

Phone : (216) 371-8163

Email : ljalbright@hotmail.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

I oppose SB 33. This is one of the most Anti-American bills that ALEC has proposed. The tactics your leadership is promoting of limiting opponent testimony is unfair and unprecedented. This anti-protest bill strikes at the heart of what our soldiers over the years have DIED for- our basic constitutional rights, including peaceful protest.

This is a bill designed to protect our oil and gas industry from the inconvenience of citizens exercising their right to protest the damaging effects of this industry, with vague language ie causing "another person to believe that the offender will cause physical harm to him that person". This could apply to almost any situation. There are already laws on the books regarding trespassing. This is a clear blatant attempt to intimidate individuals and organizations away from one of the biggest reasons our nation was founded- individual freedom of speech and right to protest.

This legislation should be withdrawn, so as not to have our state burdened with it eventually being found unconstitutional and the costly legal defense of a failed attempt to silence those who would point out the damaging effects of this industry.

Probert, Kyle

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely
Ted Auch

--

Ted Auch | Ph.D.

The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org

The Dealership Co-Workspace, 3558 Lee Road, Shaker Heights, OH 44120

C: 802-343-6771

lsarpp@gmail.com

Twitter: @lsarpp

<http://www.shockedandpersuaded.com/>

"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

*"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, **and 4,000 miles of pipeline within the United States...**The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."*

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

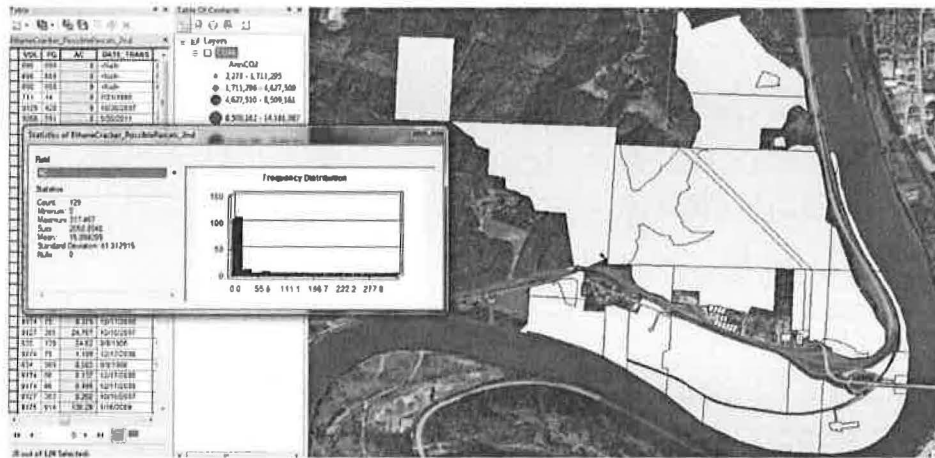
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



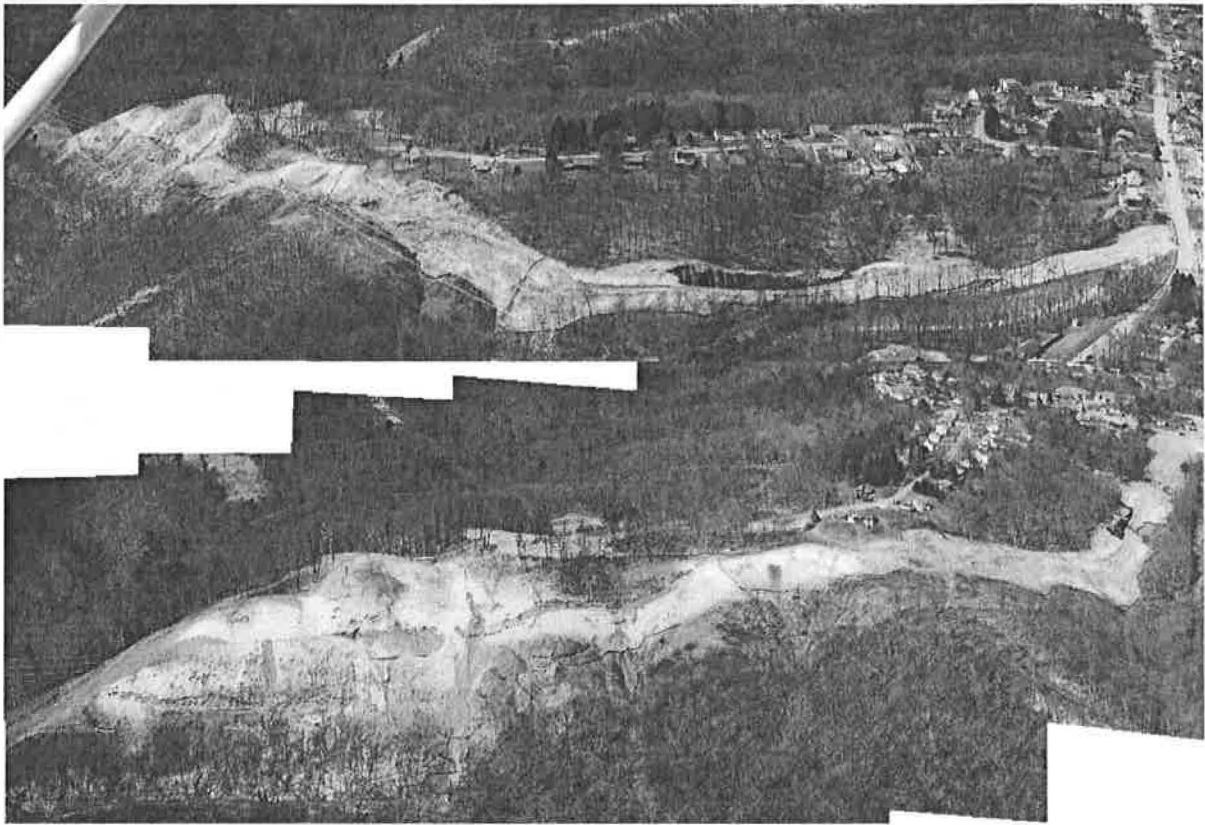
However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

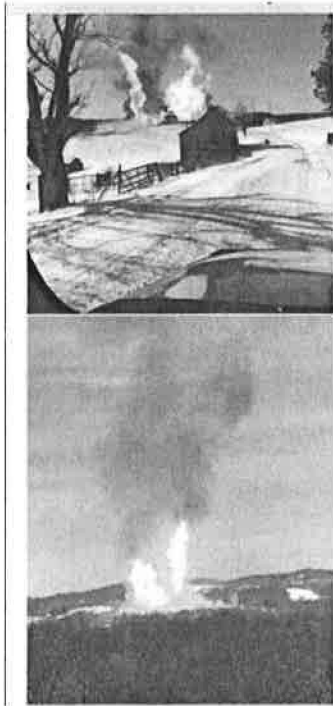
1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

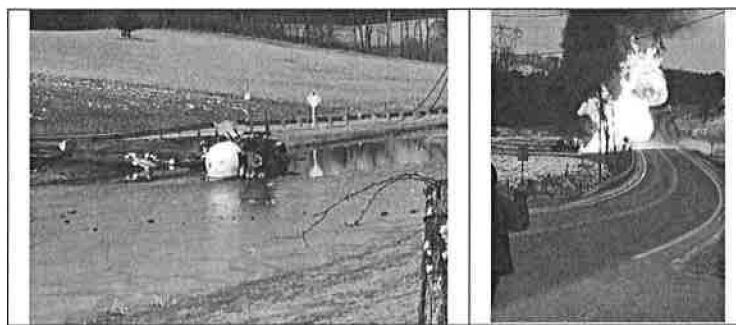
<https://www.youtube.com/watch?v=D0F450ESH8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and “Critical Infrastructure” like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch'.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com

Probert, Kyle

From: Drake Chamberlin <drake.chamberlin@gmail.com>
Sent: Monday, April 08, 2019 1:37 PM
To: State Senator John Eklund
Cc: State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Official Testimony regarding SB 33

Dear Senator Eklund,

I am submitting my testimony regarding SB 33.

This aggressive proposal is not only Un-American, but positively Anti-American.

That this horrific law has continued to be proposed and supported by some of our Ohio legislators is truly alarming. Where are the values that have made our country the land of the free?

There are already laws that deal with trespassing and vandalism. This bill is an obvious attempt to protect special interests at the expense of the health and well-being of Ohio's citizenry. If passed into law, this new bill would override our basic rights as citizens of the United States of America.

Please vote against this truly reprehensible proposal.

Thank you,

Drake Chamberlin
12788 New England Rd
Amesville, OH 45711

Probert, Kyle

From: Eric Fenster <efenster@igc.org>
Sent: Sunday, April 07, 2019 9:19 AM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: SB 33 and King George III

Opinions about whether certain energy policies may destroy the country (or even the planet) differ, but how debaters express their opinions must not destroy the country first.

SB 33 stifles free speech and free assembly -- including the civil disobedience, without which this republic would not have been formed. King George III would be giggling in his grave to see the rebels betray their principles more than two centuries later, but he was mad and so is this bill.

Please spend your time seeking solutions, not inventing punishments for those trying to attract your attention to the problems.

And back off from what will mean the costly distraction of a legal battle over constitutionality that will make the Ohio legislature a national laughingstock.

Kill SB 33.

Probert, Kyle

From: Peggy Gish <peggygish@gmail.com>
Sent: Friday, April 05, 2019 7:38 PM
To: State Senator John Eklund; State Senator Bill Coley; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Senate Bill 33

Dear Sen. Eklund, and all on the Senate Judiciary Committee,

I'm writing in opposition to SB 33.

I'm particularly concerned about these sections:

Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .

"...Sec. 2911.211. (A)(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. A (2): No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility . (B) Whoever violates this section is guilty of aggravated trespass,. Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A)(2) of this section is a **felony of the third degree.**"

From the bill: "Sec. 2909.07. (A)(7) Without privilege to do so, knowingly destroy or **improperly tamper with** a critical infrastructure facility(4) Criminal mischief committed in violation of division (A)(7) of this section is a **felony of the third degree**Notwithstanding section 2929.31 of the Revised Code, any **organization** found guilty of complicity in a violation of that division under section 2923.03 of the Revised Code shall be punished with a fine that is **ten times the maximum fine** that can be imposed on an individual for a felony of the third degree .

"...Sec. 2911.211. (A)(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. A (2): No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility . (B) Whoever violates this section is guilty of aggravated trespass,. Aggravated trespass in violation of division (A)(1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A)(2) of this section is a **felony of the third degree.**"

Pipelines and fracking infrastructure are included in the definition of "critical infrastructure." So unspecified "tampering" at a pipeline site is a felony, while activity that could cause physical harm to another person (A1 above) done in a site *not* specified under this law is only a misdemeanor!

Like similar bills around the country, *promoted by the rightwing American Legislative Council, of which Ohio Senator and bill sponsor Frank Hoagland is a member*, the bill is clearly intended to stifle legitimate protest by creating harsh penalties for minor and vaguely defined infractions and by trying

to scare off environmental advocacy groups (who clearly have no control over the activity of individuals).

The actions in question—trespassing, vandalism—are already covered by existing laws. It seems clear that the aim of the bills is to intimidate protesters who draw attention to their concerns through civil disobedience, including minor infractions like blocking the gates of construction sites. Advocates say these protests are part of a long tradition of American civil disobedience dating back to the Boston Tea Party. Even just introducing these bills have the potential to stifle free speech and curtail activism.

Please oppose this effort to stifle our democratic rights.

Sincerely, Peggy Gish
13206 Dutch Creek Rd.
Athens, OH 45701

Probert, Kyle

From: randino49@gmail.com
Sent: Thursday, April 04, 2019 9:15 AM
To: State Senator Robert McColley
Subject: I have an issue not listed here.

First Name : Randy

Last Name : Cunningham

Address : 3623 West Blvd.

City : Cleveland

State : OH

Zip : 44111

Phone : (216) 245-1073

Email : randino49@gmail.com

Subject :
I have an issue not listed here.

Message :
Senator Eklund,

I wish to oppose the five person rule for oral testimony opposing SB 33. First, you have to recognize that the companies and organizations supporting the bill have far more power and influence than the individuals who are opposing it. The law may see the individual corporations as legal persons, but they are richer than god, can buy the best help and are eternal in life expectancy. There is no way it is a fair fight.

The five person rule would also cause a reasonable person to suspect that the Judiciary committee is trying to rush this bill through as fast as possible to put the opposition at a disadvantage and get the bill to the Governor's desk asap. A sense of fairness can go out the window as a result. Again, a reasonable person may suspect that the committee is putting its thumb on the scales, to favor the proponents.

All restrictions, within reason, should be lifted from this process. Let both the big and small speak. Legislate in haste, regret at leisure - especially with this bill.

Yours truly,
Randy Cunningham
Cleveland, OH

Probert, Kyle

From: Kim Landsbergen <kim.landsbergen@gmail.com>
Sent: Wednesday, April 03, 2019 3:48 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Cc: dmoore@icnl.org; contact@acluohio.org; nicholaskusnetz@gmail.com; acfanohio@gmail.com
Subject: Please oppose Senate Bill 33

Dear members of the Ohio Senate Judiciary Committee,

I write to request that you please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

I request that my comments, submitted here, be considered testimony and that another hearing be held. Today's action by your committee, to limit opposition presentations to 5 people, is circumventing democracy in the state of Ohio.

SB 33 is an unnecessary bill that unfairly targets those who oppose the fossil fuel industry, and risks violating free speech protections under the First Amendment.

Your committee has an opportunity to lead Ohio into a new future, or to drag us back into the polluting past. You may be surprised to learn that 77% of Americans support an increase of renewable energy (1-Yale Study). In October 2018, over 70% of those surveyed responded that they want reduced pollution and more renewable energy (2- Consumer reports).

In opposing SB 33 you will be on the right side of history by making decisions in support of renewable energy, reduced pollution, a new economy, and freedom of speech.

If you choose to support for SB 33, you are clearly doing the bidding of the fossil fuel industry in opposition to your electorate, and the momentum of Americans in this country. The country is watching what goes on in the state house and lobbyist offices in Ohio.

Thank you for opposing Senate Bill 33.

Sincerely,

Kim Landsbergen Ph.D.
Certified Senior Ecologist
website = kimlandsbergen.com
twitter and instagram @treebiology

References:

1) <http://climatecommunication.yale.edu/visualizations-data/support-renewable-energy-funding/>

2) <https://www.consumerreports.org/alternative-energy/majority-of-americans-want-cleaner-energy-from-renewable-sources/>

Probert, Kyle

From: Donna Goodman <donnabgood5@gmail.com>
Sent: Tuesday, April 02, 2019 5:10 AM
To: State Senator Robert McColley
Subject: Testimony: SB 33

Senator McColley:

I oppose SB 33 and urge you to vote against this dangerous legislation which will chill the ability of Americans to express themselves using civil disobedience. I fear that the next logical next step, should this legislation pass, is for the senate to attempt legislate away the very speech that utters from the mouths of Americans. Case in point, it is horrific that opponent testimony to SB 33 actually being limited to five, which is never the case for proponent testimony.

Sincerely,

Donna Goodman
8987 Lavelle Rd.
Athens, OH

Probert, Kyle

From: Janalee Stock <janalees@gmail.com>
Sent: Monday, April 01, 2019 7:23 AM
To: State Senator Robert McColley
Subject: Ohio SB33

April 1st, 2019

Dear Senator Rob McColley

I am writing in regards to Ohio SB 33. It is one of our basic first amendment rights to speak up when we see injustice, when we see our basic democratic values being stomped on. Imagine if there hadn't been a tea party, if there hadn't been women and people of color in our history protesting for example the injustice of not being allowed to vote. We can't even begin to imagine how our country would look- no doubt more like countries that we have sent our young to war over to help to fight for those same basic human rights.

This is one of our cherished accomplishments- that America keeps moving despite all it's imperfections towards this allegiance " with justice and liberty for all". We wouldn't have evolved as a leader of free nations without the protection of free speech which includes acts of peaceful civil disobedience to draw attention to where we have failed, and need to change.

Our current laws protect against concerns regarding vandalism, and trespassing at a protest site. The move to increase fines times ten with a broad definition of "critical infrastructure" creates fear mongering language to intimidate engaged citizens deeply concerned about the overstep that corporations can impinge on local communities.

It is ironic that ALEC, so opposed to the overstep of "big government" into our personal lives would be behind this bill as it clearly does the opposite, with the real motive being protecting the powerful. A sheep in wolf's clothing- transparent. Please consider the important implications of this bill less "We the people" go further down the rabbit hole of "We the 1%, the rich, the powerful". It may be April Fool's day, but trust me we are not fools- we see this bill for what it is.

Sincerely,

Janalee Stock

An engaged citizen deeply concerned about our democracy since Citizen United was employed

Probert, Kyle

From: Nancy Sullivan <badgmur@gmail.com>
Sent: Sunday, March 31, 2019 10:47 PM
To: State Senator John Eklund; State Senator Nathan Manning; State Senator Cecil Thomas; State Senator Bill Coley; State Senator Teresa Fedor; State Senator Theresa Gavarone; State Senator Matt Huffman; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Sean O'Brien
Subject: Testimony Opposing SB 33

I strongly oppose SB 33 and am frustrated that the committee has chosen to limit opponent testimony concerning the bill.

Citizen-led advocacy groups have a treasured history in the United States and the goal of this bill is simply to quash dissent on key issues.

Whenever I review a piece of legislation, I ask myself, "Who wins and who pays?"

It is clear that the oil and gas industry wins from the enactment of this bill. That is why it has the support of ALEC, the American Legislative Exchange Council, and state, local and national elected officials who receive campaign funding from the industry.

It is clear that the right to free speech and, from a more global perspective, the right to clean air and water, lose. I hope that every member of the committee prizes the First Amendment to the Constitution, even when confronted with ideas you don't like. All of us, however, require clean air and water and hope for a healthy future for our children. If SB 33 prevents legitimate dissent around ever-increasing oil and gas exploration and transportation, our future is even more imperiled.

Nancy Sullivan
534 Enright Ave.
Cincinnati, OH 45205

Probert, Kyle

From: Lisa Abele <weezit1@yahoo.com>
Sent: Sunday, March 31, 2019 7:19 PM
To: State Senator Robert McColley
Subject: SB 33

Mr. McColley,

I am writing today to have this letter labeled as testimony to my disgust for SB 33 and state that I strongly oppose SB 33, which is very dangerous legislation. It is unthinkable that opponent testimony is being limited, which is never the case for proponent testimony. Any legislator that does not oppose this bill does not uphold an American's First Amendment Right to free speech! This bill should NOT pass.

Sincerely,
Lisa Abele
Wellston, OH

Sent from my iPhone

Probert, Kyle

From: Village Bakery <villagebakery@dellazona.com>
Sent: Sunday, March 31, 2019 7:05 PM
To: State Senator Robert McColley
Subject: SB 33 opponent testimony

Opponent testimony for SB 33 3/31/2019

Dear Senator McColley,

Please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

Laws already exist to charge those who make the hard choice to participate in nonviolent civil disobedience in our communities. Industries have the right and the means to protect their property, and citizens have the right to protest industrial activity that we believe is harmful or immoral. Industries have profits to protect, and citizens have health and safety to preserve, for ourselves and our children. When these two objectives clash, we have a court system to help determine which objective takes priority.

SB 33 is an unnecessary bill that unfairly targets those rightfully alarmed young citizens who will suffer the most from climate impacts caused by the fossil fuel industry's decades of denial. Thank you for opposing Senate Bill 33.

Sincerely,

Christine Hughes

69 Grosvenor St.

Athens, OH 45701

(740) 592-1596

Probert, Kyle

From: Parsons, Donn
Sent: Wednesday, May 01, 2019 12:10 PM
To: Republican Caucus Staff; Republican Legislative Aides; Republican Senior Legislative Aides; Republican Communications; LSC Fellows Republican
Subject: SB 33
Attachments: SB 33 (Protecting Critical Infrastructure in Ohio).docx

Please find the policy memo for SB 33 attached to this email.

Donn



POLICY MEMO FOR:

SB 33

“PROTECTING OHIO’S CRITICAL
INFRASTRUCTURE”

Updated May 1, 2019 to reflect the bill’s latest status:

AS PASSED BY THE SENATE

Sponsor(s)

Hoagland

Cosponsor(s)

Coley, Huffman, Maharath, Peterson, Rulli, Terhar, Wilson

What to Know

- Recently, protestors have crossed the line from peacefully protesting outside an energy facility to causing intentional damage to critical infrastructure.
- Senate Bill 33 does not restrict or limit anyone’s First Amendment right to free speech or one’s ability to protest peacefully.
- SB 33 expands civil remedies for owners of critical infrastructure facilities against individuals who willfully cause damage to their facilities.
- SB 33 ensures that trespassing and the destruction of infrastructure are criminal offenses under criminal mischief or criminal trespass.

The Bottom Line

- Peacefully protesting is a right which no one seeks to limit.
- However, when individuals engage in intentional conduct to damage infrastructure facilities, they put their lives and the lives of other people at risk.
- SB 33 is about protecting public safety.

Bill History

- 02/12/2019 – Introduced in Senate
- 05/01/2019 – Reported out of Senate Judiciary (8-2)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Ohio Chamber of Commerce• Ohio Chemistry Technology council• Coalition of Ohio	<p>Roxanne Groff, resident of Athens County – OPP</p> <p>Teresa Mills, resident of Franklin County – OPP</p>	<ul style="list-style-type: none">•

<div>Regional Districts</div> <ul style="list-style-type: none">Ohio Rural Water Association	<p>Carolyn Harding, resident of Franklin County – OPP</p> <p>Greg Pace, resident of Franklin County – OPP</p> <p>Elaine Tanner, resident of Wayne County - OPP</p> <p>Randy Cunningham, resident of Cleveland – OPP</p> <p>Berry Dilley, resident of Athens County – OPP</p> <p>Christine Hughes, resident of Athens County – OPP</p> <p>Lisa Abele, resident of Jackson County – OPP</p> <p>Nancy Sullivan, resident of Hamilton County – OPP</p> <p>Marjorie Shew, resident of Morgan County – OPP</p> <p>Catherine Froehlich Burkhart, resident of Belmont County – OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Anne Caruso, resident of Cuyahoga County – OPP</p> <p>Donna Goodman, resident of Athens County – OPP</p> <p>Rebecca Lachman – resident of Athens County - OPP (niece of former member Rom Amstutz)</p>	
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	<p>Ruth Hardy – citizen of Ohio – OPP</p> <p>Gilbert Rondy – resident of Athens County – OPP</p> <p>Michelle Ajamian – resident of Athens County – OPP</p> <p>Marguerite Hughes – resident of Athens County – OPP</p> <p>Heather Cantino – resident of Athens County – OPP</p> <p>Rev. Joan VanBecelaere – resident of Franklin Country – OPP</p> <p>Katie O’Neill – resident of Cuyahoga County – OPP</p> <p>Charlotte Owens – resident of Fairfield County - OPP</p> <p>Nick Teti, resident of Coshocton County - OPP</p> <p>Randy Cunningham, resident of Cuyahoga County – OPP</p> <p>Katharine Jones, resident of Medina County – OPP</p> <p>Andrea Chu, representing Food and Water Watch and resident of Franklin County – OPP</p> <p>William Lyons, resident of Franklin County – OPP</p> <p>Alison Grant, resident of Cuyahoga County – OPP</p> <p>Jen Miller, Director with the</p>	
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	League of Women Voters of Ohio - OPP	
	Cathleen Finn, resident of Cuyahoga County – OPP	
	Eileen McCully, resident of Cuyahoga County – OPP	
	Patrick J. O’Connor, resident of Cuyahoga County – OPP	
	Russ Fenster, resident of Harrison County – OPP	
	Kathy Kerns, resident of Portage County – OPP	
	Eric Fenster, citizen of Ohio – OPP	
	Peggy Gish, resident of Athens County – OPP	
	Ron Prosek, Vice-President of FaCT: Faith Communities Together and resident of Lake County – OPP	
	JD Hohmann, resident of Franklin County – OPP	
	Laura Skidmore, resident of Clark County – OPP	
	Joseph A. Mosyjowski, citizen of Ohio – OPP	
	Drake Chamberlin, resident of Athens County – OPP	
	Ted Auch, Ph.D. – Great Lakes Program Coordinator with The FracTracker Alliance, resident of Cuyahoga County – OPP	

	<p>Lori Babbey, resident of Trumbull County – OPP</p> <p>Robert Krasen, resident of Franklin County – OPP</p> <p>Matt Kuhns, resident of Cuyahoga County – OPP</p> <p>Elizabeth Stansfield, citizen of Ohio – OPP</p> <p>Leann Leiter, representing Earthworks and citizen of Pennsylvania – OPP</p> <p>Laurie Albright, resident of Cuyahoga County – OPP</p> <p>Peter Gibbons-Ballew, resident of Athens County – OPP</p> <p>Carol Vernon, resident of Athens County – OPP</p> <p>Sylvia Chinn-Levy, resident of Summit County – OPP</p> <p>Donald Finn, resident of Cuyahoga County – OPP</p> <p>Loraine McCosker, resident of Athens County – OPP</p> <p>Robert Maher, resident of Athens County – OPP</p> <p>Kathryn Hanratty, resident of Geauga County – OPP</p> <p>Katie O’Neill, resident of Cuyahoga County – OPP</p> <p>Anastasia Birosh, resident of</p>	
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	<p>Medina County – OPP</p> <p>Linda Kohar, citizen of Ohio - OPP</p> <p>Milena Miller, resident of Athens County – OPP</p> <p>Jay Klemme, resident of Wayne County – OPP</p> <p>Mary Ellen Berger, resident of Franklin County - OPP</p> <p>Leann Leiter, represents Earthworks – OPP</p> <p>Charlie Michelson, resident of Cuyahoga County – OPP</p> <p>Rev. Joan Van Becelaere, resident of Franklin County - OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Sandy Bolzenius, resident of Franklin County – OPP</p> <p>Elise McMath, Citizen - OPP</p> <p>Mageda Merbouh-Bangert, resident of Athens County – OPP</p> <p>Rebecca Acheson, resident of Athens County – OPP</p> <p>Thelma Seto, Citizen – OPP</p> <p>Glenn Campbell, resident of Cuyahoga County –OPP</p> <p>Pat Murray, resident of Cuyahoga County – OPP</p>	
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	Andrea Kleinhenz – resident of Cuyahoga County – OPP	
	Craig Kleinhanz – Citizen – OPP	
	Steven Cochran, Citizen – OPP	
	Marcia Wolff, resident of Summit County – OPP	
	Alexa Ross, resident of Athens County - OPP	
	Joe P. Pokladnik, P.E., resident of Tuscarawas County – OPP	
	Randi Pokladnik, Ph.D., resident of Tuscarawas County – OPP	
	Roxanne Groff, resident of Athens County – OPP	
	Anne Sparks, Citizen – OPP	
	Marcia Goldstein, resident of Athens County – OPP	
	Laurine Crowther, resident of Franklin County – OPP	
	Jane Richter, resident of Athens County – OPP	
	Patrick O’Connor, resident of Cuyahoga County – OPP	
	John Schmieding, resident of Athens County – OPP	
	Bob Parker, resident of Cuyahoga County – OPP	

	Jan Nespor, Citizen – OPP	
	Judith Trautman, resident of Lucas County – OPP	
	Madonna Brock, Citizen – OPP	
	Cheryl Johncox, representing the Sierra Club – OPP	
	Buckeye Environmental Network, presenting a petition to committee – OPP	
	Mary Ellen Berger, resident of Franklin County - OPP	
	Patricia Walker, resident of Medina County – OPP	
	Melanie Moynan-Smith, citizen of Ohio – OPP	
	Dianne Bouvier, resident of Athens County – OPP	
	Marsha N., citizen of Ohio – OPP	
	John Nagy, citizen of Ohio – OPP	
	Jeanne Heaton, resident of Athens County – OPP	
	Jim Wachtel, citizen of Ohio – OPP	
	Ann Moneypenny, resident of Athens County – OPP	
	Betsy Haehl, resident of Athens County – OPP	
	Greta Hanesworth, resident of Athens County – OPP	

	<p>Maureen Welch, resident of Medina County – OPP</p> <p>Maggie Kimble, resident of Lake County – OPP</p> <p>Mary Costello, citizen of Ohio – OPP</p> <p>Ivars Balkits, resident of Athens County – OPP</p> <p>Ursula Korneitchouk, citizen of Ohio – OPP</p> <p>Marlene Blatnik-Freeze, resident of Cuyahoga County – OPP</p> <p>Kenneth Freeze, resident of Cuyahoga County – OPP</p> <p>Josefa Soto, resident of Franklin County – OPP</p> <p>Jill Hunkler, resident of Belmont County – OPP</p> <p>Robert A. Kincses, resident of Greene County – OPP</p> <p>Dennis Hunkler, resident of Belmont County – OPP</p> <p>Joan Dowling, resident of Cuyahoga County – OPP</p> <p>Patricia Marida, resident of Franklin County – OPP</p> <p>Andrea Reik, resident of Athens County - OPP</p> <p>Emma Shook, resident of Cuyahoga County – OPP</p>	
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	<p>Patrick Hunkler, resident of Licking County – OPP</p> <p>Caty Crabb, resident of Meigs County – OPP</p> <p>Michael Melampy, resident of Cuyahoga County – OPP</p> <p>Robin Lewis, resident of Portage County – OPP</p>	
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Miscellaneous Information

Probert, Kyle

From: Gongwer News Service <gongwerreports@gongwer-oh.com>
Sent: Wednesday, May 01, 2019 2:59 PM
To: Probert, Kyle
Subject: House & Senate Floor Reports

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GONGWER
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News
Bill Tracking
Legislation

HOUSE ACTIVITY REPORT

PASSED

HB 16

COLLEGE TUITION (Perales, R.)
To grant residency status for in-state college tuition to active military service members and their spouses and dependents.
96-0

HB 154

ACADEMIC DISTRESS (Miller, J., Jones, D.)
To dissolve academic distress commissions and to instead require the creation of community learning centers for buildings in low-performing school districts.
83-12

HCR 8

CRASH INDICATORS (Schaffer, T.)
To urge Congress to encourage the Administrator of the FMCSA to change the crash indicator BASIC regulation standards to consider only crashes in which the driver was at fault for the crash.
96-0

RESIGNATION ACCEPTED

REP. STEVEN ARNDT, REPUBLICAN, 80TH DISTRICT, EFFECTIVE

JULY 31, 2019

REP. SARAH LATOURETTE, REPUBLICAN, 76TH DISTRICT,
EFFECTIVE MAY 5, 2019

REP. GLENN HOLMES, DEMOCRAT, 63RD DISTRICT, EFFECTIVE
APRIL 30, 2019

SENATE ACTIVITY REPORT

PASSED

SB 33	CRITICAL INFRASTRUCTURE (Hoagland, F.) To modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility. 24-8 (Earlier REPORTED (See separate story))
SB 45	MONTH DESIGNATION (Hackett, B.) To designate the month of April as "Ohio Native Plant Month." 32-0
SB 120	PERFORMANCE AUDITS (McColley, R., Rulli, M.) To authorize the Auditor of State to conduct performance audits of any and all state institutions of higher education. 32-0 (Earlier REPORTED)
SB 123	FOSSIL FISH (Dolan, M., Manning, N.) To designate the Dunkleosteus terrelli as the official state fossil fish. 32-0

REFERRED

Agriculture & Natural Resources

HB 59

MONTH DESIGNATION (Wiggam, S.)

To designate the month of April as "Ohio Native Plant Month."

Education

SB 121

HEALTH STANDARDS (Sykes, V., Kunze, S.)

To require the State Board of Education to adopt health education standards and to require that only statewide venereal disease education standards and curriculum be approved by the General Assembly.

Finance

SB 128

SCHOOL CHOICE (Huffman, M.)

To make changes to the Educational Choice Scholarship Program and the Cleveland Scholarship Program.

SB 137

INDUSTRIAL PARK FUND (Peterson, B., Hoagland, F.)

To reinstate the rural industrial park loan fund and to make an appropriation.

Government Oversight & Reform

HB 66

THEFT VICTIMS (Merrin, D.)

To enact the "Theft Victims' Restitution Act" to allow restitution for the cost of accounting or auditing done to determine the extent of a victim's economic loss.

SCR 3

STATEHOUSE MONUMENT (Williams, S.)

To declare the intent of the State of Ohio to secure a Memorial monument from the National Memorial for Peace and Justice Monument Placement Initiative to be installed on the grounds of the Statehouse.

Health, Human Services & Medicaid

SB 126

CRISIS ASSESSMENTS (Manning, N.)

To authorize a mental health professional to provide

a crisis assessment, without parental consent, to a minor who is or is believed to be suicidal and to make an appropriation to support the employment of social workers or mental or behavioral health professionals at educational service centers.

SB 130

CONVERSION THERAPY (Maharath, T.)

To prohibit certain health care professionals from engaging in conversion therapy when treating minor patients.

Judiciary

HB 61

PUBLIC RECORDS (Lanese, L., Liston, B.)

To include forensic mental health providers, mental health evaluation providers and regional psychiatric hospital employees as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

SB 133

PRISON LAWS (O'Brien, S., Manning, N.)

To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Transportation, Commerce & Workforce

SB 127

ELEVATOR LAW (Uecker, J., Yuko, K.)

To revise the Elevator Law.

SB 129

ROAD NAMING (Rulli, M.)

To designate a portion of State Route 224 in Mahoning County as the "Joseph K. Vrabel 'Ohio Veterans Hall of Fame' Memorial Highway."

SB 132

GAS TAX ALLOCATIONS (Williams, S.)

increase in the motor fuel tax rate that is allocated to local governments and to change the manner in which that revenue is divided between municipal corporations, counties, and townships.

Ways & Means

HB 18

DISABILITY PAYMENTS (Vitale, N., Crawley, E.)
To exempt from the income tax disability severance payments received by honorably discharged veterans.

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

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Probert, Kyle

From: Cassell, Elizabeth
Sent: Wednesday, April 03, 2019 5:09 PM
To: Cassell, Elizabeth; Champlin, Trent; Millen, Kate; Plahuta, Heather; Hawking, Andrew; Kieffer, Ian; Uxley, Andrew; Landers, Chris; Rossman, Kate; Cozad, Alison; Froehlich, Erin; Probert, Kyle; Wright, Christine; Martine, Laura; Peters, Cindy; DiMenna, Anthony; Shipman, Nathaniel; Griffith, Levi; Burriss, Michaela; Golterman, Chelsea; Strigari, Frank; Parsons, Donn; Stockman, Scott; State Senator John Eklund; State Senator Nathan Manning; State Senator Bill Coley; State Senator Theresa Gavarone; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Matt Huffman; State Senator Cecil Thomas; State Senator Sean O'Brien; State Senator Teresa Fedor
Subject: Additional Handouts in Judiciary Committee
Attachments: 4.3.19 Elaine Tanner's Testimony.pdf; Conservartive-led Anti-Protest Legislation Already Doubled Since Last Year Article.pdf; Talking Points on SB 33.pdf

To: Members of the Senate Judiciary Committee

Please see attached handouts provided by Ms. Elaine Tanner, Program Director with Friends For Environmental Justice, to the committee after she testified.

Many thanks.

Elizabeth M. Cassell
Senior Legislative Aide
Senator John Eklund
Ohio Senate
Phone (614) 644-7718
ecassell@ohiosenate.gov

April 2, 2019

Senate Committee,

On behalf of the Ohio Tri County Coalition, we wanted to issue a statement expressing our concerns over the re-introduction of Senator Hoagland's self-serving bill to offer protection to the oil industry rather than the neighbors who are trying to protect their families.

This hits especially close to home for us as we have spent the last year trying to educate our neighbors on the unfriendly leases that they were being offered. We lived with out-of-state trucks throwing garbage in the yards of our neighbors who had signs posted against them. Neighbors could not let their children play outdoors because the RIP security details were standing across from their properties, protecting unwanted industrialization that the vast majority of our area rejected.

We set a precedence in our area by hosting a Health and Safety Fair in which we invited the Ohio Health Registry to administer baseline testing for those in close proximity to health risks, as well as supplying water testing information for homeowners to protect themselves from contamination.

Our local groups worked together to bring oil and gas attorneys to community meetings to help residents not go into a conversation with a landman without basic knowledge. We were verbally assaulted when we met at the river, yelled at when we attended city council meetings, and laughed at when we spoke with the county. Yet this group of multi-partisan neighbors refused to simply let a few people make the decisions for the whole community. We wrote letters, sent photos, created mailers, and submitted articles- all to help bring attention to the violation of property rights the majority in our area had been facing.

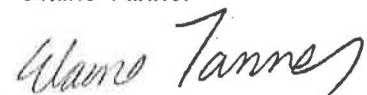
We were thankful that both Rep. Romanchuk and Sen. Obhof took time to hear our concerns, even sharing some of their own. We worked hard to protect the future generations of our area from having to deal with decisions made today. We are extraordinarily fortunate that for now our community is being evacuated for its disappointing output. But we know that thousands more are in our shoes in our beautiful state at this very moment, so we cannot simply be thankful for what we have. We must acknowledge that every child is important and worth fighting for when it comes to clean air and water.

We are not a threat, as this bill would have us be. We are mothers and fathers, priests and pastors, young and old, conservative and liberal. We understand that our only chance to keep this industry out of our beautiful home is to work together. We already face the dangers of corporate, industrialized farming and all that it does to harm the residents in rural areas, and we do not feel our children should be the statistics for an out-of-state profit margin being sponsored with foreign money. We feel that this bill will bind the hands of those who are screaming to be heard. It is so important that The People are the ones being represented in all legislation and

not lobbyists and profiteers. Our Founding Fathers were very clear on the matter. It is hard to imagine what our rural landscape could become if those who want to protect it are silenced. There has to be point where ethics and human decency are recognized as virtues again rather than annoyances that hinder. There will be very little to remind society of this if only those in the position to gain wealth are being heard.

Continuing on for all of our neighbors,

Elaine Tanner

A handwritten signature in cursive script that reads "Elaine Tanner". The signature is written in dark ink and is positioned below the printed name.

Conservative-led Anti-Protest Legislation Already Doubled Since Last Year

Posted on [February 15, 2018](#)

By Traci Yoder, Director of Research and Education

Last March, the NLG shared an [overview and analysis](#) of the wave of anti-protest legislation sweeping state legislatures across the country. At the time, we were looking at 25 bills proposed in 19 states—all focused on limiting the right to protest or removing liability for harm caused to protesters. One year later, the number of anti-protest bills has reached [58 in 31 states](#) with no end in sight. [Nine bills](#) have already been introduced (or-reintroduced) in 2018 alone. Conservative think tanks, private companies, and law enforcement agencies are now openly working with Republican lawmakers to crack down on dissent, chill the right to protest, and increase penalties for demonstrators and the organizations that support them. It is no coincidence that these bills have flourished since the increase of protests after the election of Donald Trump, or that they [target](#) environmental and racial justice movements whose messages are garnering media attention and public support.

While the first round of bills came from individual lawmakers operating without any clear indication of organization or strategy, newer bills are following explicit model policies laid out by conservative groups like the [American Legislative Exchange Council](#) (ALEC) and the [Goldwater Institute](#) (both funded by the Koch network). More recent bills have also been openly drafted or supported by private corporations such as [Energy Transfer Partners](#) (the company behind the Dakota Access Pipeline) and state Departments of Homeland Security. While [22 of these bills](#) have been defeated or sent back to committee since 2016, we are now seeing their re-introduction in 2018. [Eight bills](#) have already passed and become law in North Carolina, North Dakota, South Dakota, Oklahoma, and Tennessee. Finally, [28 bills](#) are currently pending in state legislatures. With more legislation of this kind introduced every month, it is imperative to expose the interest groups behind these bills and to organize at the state and national level to prevent more from becoming law.

ALEC's "Critical Infrastructure" Legislation

The first round of anti-protest legislation introduced in 2016 and 2017 produced mixed results. Many of the bills were so poorly written or so blatantly unconstitutional that they were [defeated](#) within a short period of time. Bills calling for the removal of driver liability for killing protesters, using racketeering laws to punish protesters, trying to drastically redefine the meaning of "riot," or challenging the right to picket mostly failed right out of the gate. However, conservative lawmakers have learned from their early mistakes, and are now re-introducing some of these bills in stronger revised form this legislative season. New bills are also emerging modeled on policies devised by right-wing organizations and libertarian think tanks—specifically, legislation related to "critical infrastructure" and "campus free speech."

In January 2018, ALEC formalized a new model policy that had been introduced at its annual meeting last December—[The Critical Infrastructure Protection Act](#). This policy draws on two bills passed last year in [Oklahoma](#) that criminally penalize and fine anyone trespassing on "critical infrastructure," and prescribe criminal penalties and financial liability for any "conspiring organizations" that assist protesters. Drafted by ALEC's Energy, Environment and Agriculture task force, this policy is a thinly-veiled attempt to stop protesters from interfering with fossil fuel extraction infrastructure, including oil pipelines, petroleum refineries, liquid natural gas terminals, and railroads used to transport oil and gas.

Conservative-led Anti-Protest Legislation Already Doubled Since Last Year (2)

A week after the finalization of this model policy, legislators in Ohio and Iowa introduced “critical infrastructure” bills. Both of these states are currently home to major pipeline projects owned by Energy Transfer Partners (ETP), who assisted in the drafting of

legislation. These kinds of bills are clearly an attempt to address the successes of environmental and Indigenous activists who have pushed back against projects like the Dakota Access Pipeline.

New bills concerning “critical infrastructure” are cause for alarm for several reasons. First, a key component of these bills is the attempt to redefine and expand the meaning of terms like “terrorism,” “sabotage”, and “trespass” to allow prosecutors to punish more people for a broader range of activities. The most recent round of ALEC-inspired bills introduce a new felony, “critical infrastructure sabotage,” while a similar bill in Pennsylvania called for the creation of a new category of felon, the “critical infrastructure facility trespasser.” Furthermore, these bills aim to penalize organizations that support protesters by holding them “vicariously liable” for damage undertaken by individuals. Based on the myth of the “paid protester,” these bills seek to punish supportive organizations with fines of up to 10 times the amount paid by an alleged trespasser. Moreover, because what counts as a “conspirator organization” remains undefined, the designation could easily deter groups from assisting environmental protests. Finally, this legislation conflates public and private infrastructure projects, thereby legitimizing ETP’s pipeline as an example of “critical infrastructure.” If these bills are passed unchallenged, a precedent will be set and private oil pipelines could be codified as a public necessity.

Weaponizing “Free Speech” on Campuses

Another current trend in model policies drafted and disseminated by right-wing organizations addresses “free speech” in university settings. Over the last year, the increase of white supremacist, homophobic, and ethno-nationalist speakers on college campuses has been at the forefront of conversations around what constitutes “free speech” in this political context. In an attempt to ease the ability of controversial speakers to access university speaking opportunities, the conservative Goldwater Institute and Ethics and Public Policy Institute have created model legislation to increase punishments for individuals and student groups who openly protest these events. Versions of the Campus Free Speech Bill have already been passed and enacted in North Carolina, and are under consideration in Illinois, Michigan, and Wisconsin. Proponents of the bill expect Arizona, California, Georgia, Minnesota, and Wyoming to consider similar legislation soon. A federal higher-education reform bill currently moving through Congress also draws on the language of free speech to counter what is perceived by Republican lawmakers as antagonism toward conservative ideas in academia.

The state-level model policy explicitly prevents university administrators from refusing to invite speakers (“no matter how controversial”) and imposes mandatory disciplinary sanctions—including suspension and expulsion—for students or others who interfere with the “free speech rights” of speakers. According to the authors of the model bill, their interest is merely to ensure that restrictions on campus demonstrations are viewpoint and content neutral. However, given that this policy was drafted following the success of protests against a series of openly xenophobic far-right speakers such as Milo Yiannopoulos and Richard Spencer, its neutrality is questionable. This “weaponizing of free speech” by the far right has been criticized by academics, activists, and legal scholars who challenge the assumption that everyone is entitled to voice their opinion publicly, no matter how ungrounded, factually incorrect, or inflammatory their position might be. The ideal of

free speech as the right of anyone to say anything under any circumstances is being confused in these bills with the more limited legal protections of free speech.

While the model legislation being promoted by conservative think tanks claims to be designed to abstractly protect all speech on campus, the reality is that progressive, radical, and liberal professors are increasingly under attack from far-right groups. For example, the [Professor Watchlist](#) created by Turning Point USA (TPUSA) lists academics who “[advance a radical agenda](#)” in the classroom and encourages students to report their professors. This has resulted in several faculty members becoming the targets of [malicious campaigns](#). Describing itself as the “student movement for free markets and limited government,” TPUSA is a nonprofit group funded by [Republican politicians and conservative mega-donors](#). Any academics who challenge their libertarian message are apt to be singled out for harassment, threats, and even the loss of their jobs. Yet protections for left-leaning professors or sanctions for the students who harass them are absent from the new model policy, even as protesters of hateful speakers risk serious consequences.

Fighting Back

While model policies regarding the protection of critical infrastructure and campus free speech may initially seem unconnected, a deeper look reveals that the same interest groups are behind both sets of legislation. The conservative and libertarian think tanks and policy organizations drafting these model bills (along with their funders) are openly supportive of the deregulation of fossil fuel companies as well as the work of academics who push a libertarian agenda of reduced government power and free markets. Those who are committed to challenging anti-protest legislation must consistently expose these groups and the strategic interests behind these bills.

Civil liberties groups are already actively contesting the unnecessary and unconstitutional nature of such legislation. The wave of anti-protest legislation brought since November 2016 even prompted the United Nations Office of the High Commissioner for Human Rights (OHCHR) to send a [letter](#) to the U.S. State Department warning that these bills were “criminalizing peaceful protests.” Regardless, the introduction of new legislation has doubled since this time last year and is likely to continue. The involvement of Koch-funded policy organizations, private corporations with an interest in limiting protest, and state law enforcement agencies is producing legislation backed by more money and influence than earlier bills. Previous examples of “critical infrastructure” and “campus free speech” bills have [already](#) been successful, which makes them likely to see legislative victories this season unless there is serious effort to counter the narrative being set up by Republican lawmakers and private corporations.

The impact of this legislation on movement work and on organizations promoting social justice will be dire. Immediate action is needed; many of these bills will become law in the next few months unless there is strong resistance, especially at the state level. Bill trackers assembled by groups like the [International Nonprofit Law Center](#) and [The Voice Project](#) help to monitor the status of anti-protest legislation and offer steps to educate, organize, and pressure lawmakers state by state. As part of a national coalition to resist this legislation, the NLG will continue to monitor and challenge legislation targeting the right to dissent. The increased wave of anti-protest legislation only confirms the position we advanced [last year](#): protesting has certainly become a threat again.

Talking points on SB 33

1. **Why Does Ohio Need this legislation?** SB 33 is designed to prevent protest activities that have not occurred in Ohio. This bill clearly suppresses 1st amendment rights and our most protected right of political free speech. Protests of the type described in the legislation and in the sponsoring statement of Senator Frank Hoagland have not occurred in Ohio. There have been some blockades of injection wells, but these actions have not involved destruction of property. We find no reason for this law to exist.
2. **Current laws on trespass, vandalism or arson are adequate to protect property and the catch all of "critical infrastructure facilities."** Anyone trespassing, or committing vandalism, to say nothing of arson fall under current laws in Ohio. Those laws are adequate to discourage such actions, and to penalize those who commit them.
3. **Senate Bill 33 is a present for the oil and gas companies of Ohio.** Senate Bill 33 is based on model legislation designed by the American Legislative Exchange Council (ALEC) to fight back against protests of oil and gas industry projects such as fracking installations, compressor stations, and pipelines. It is a special piece of legislation designed for a politically favored industry.
4. **Senate Bill 33 specifically targets those groups that are opposing the oil and gas industry in Ohio.** This can be seen in how many of the sections of the law penalizes organizations that support protests of fracking and injection wells, and pipelines. This is guilt by association. Protests are human events. No one applies or is vetted to receive permission to attend a protest. During a protest, should any charges be brought against an individual or a group the organizations sponsoring or supporting the protest will bear an organization wrecking penalty.
5. **Senate Bill 33 opens the door for the use of agents provocateurs to wreck groups protesting the oil and gas industry.** As long as there have been protests, there have been agents provocateurs that have infiltrated protests to disrupt, defame and disorganize those protests. Agents provocateurs are usually undercover police, or private security personnel. There is a long a sordid history of them encouraging the naïve or inexperienced to break the law and thus give law enforcement an excuse to repress the protests. Given Senate Bill 33's penalties for organizations sponsoring protests, it is not rocket science to see how this legislation will be a red carpet for agents provocateurs sponsored by the oil and gas companies and their friends in law enforcement.

OVER PLEASE

6. **Senate Bill 33 does nothing to combat the real perpetrators of trespass, vandalism, arson or to protect the public health of Ohioans.** It does nothing because there are no greater

perpetrators of these offenses than the very industries that the law was written for. Protesters did not tear down the historic house in Morrow County to build the Rover Pipeline. Protesters did not cause the frack fluid spill in Tuscarawas County that destroyed a pristine wetland. Protesters did not ruin farms fields along the route of the Rover Pipeline. Protesters were not at fault in the recent explosions in oil and gas facilities. Protesters have not polluted our streams and aquifers. Protesters have not violated the property rights of property owners along the routes of pipelines. Protesters have not polluted the air around fracking and compressor stations. Protesters have not compromised the regulatory bodies of the State of Ohio with their money and influence.

We want our lawmakers to protect us, the citizens, against the assaults on our communities.

7. **The term “critical infrastructure facility” in SB 33** encompasses an absurd range of facilities, many of which have no obvious connections to one another. These facilities include: (listing of various things like telephone and communications equipment, airports, various manufacturing enterprises, etc. etc.) There is a purpose behind this smorgasbord. The first purpose is to hide the true beneficiaries and sponsors of this legislation in Ohio and around the country, and these are the oil and gas, fracking and pipeline industries. The second purpose is to include such a broad range of facilities, that it will act as an entrapment for any person or organization that is protesting the activities of the gas and oil industries.
8. **SB 33 has a clear target – those persons and organizations opposing the oil and gas industry in Ohio.** When these industries snap their fingers, Ohio jumps. But some of us do not jump, and the purpose of this legislation is to silence those who do not behave as industry wishes. The text and provisions of a law are not the only way that power is deployed. Just as if not more important is the overall atmosphere a law creates that can inhibit the activities of its desired targets. A law that has to fill up the jail cells and courts to enforce its mandate has failed. In Louisiana a law like SB 33 with the same paternity that goes back to ALEC, has terrorized the activist community opposing the Bayou Bridge Pipeline. Activists in Louisiana have reported that people call them up and ask if they attend a meeting or a rally, will they be arrested. This is exactly what the sponsors of SB 33 hope happens. They hope to cast fear over those who do not dance to the tune played by the oil and gas industry in Ohio.

Probert, Kyle

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SENATE ACTIVITY REPORT

INTRODUCED

SB 52

CYBER SECURITY (Gavarone, T.)

To create the civilian cyber security reserve forces, to make the Secretary of State a member of the Homeland Security Advisory Council, to require the Secretary of State to appoint a chief information security officer, to require the boards of elections to audit election results, and to make an appropriation.

REFERRED

Finance

SB 4

SCHOOL FACILITIES (Rulli, M., Kunze, S.)

To make a capital appropriation for school facilities assistance.

Government Oversight & Reform

SB 1

REGULATIONS (McColley, R., Roegner, K.)

To require certain agencies to reduce the number of regulatory restrictions and to amend the versions of sections 106.021 and 106.02 of the Revised Code

that are scheduled to take effect August 18, 2019, to continue the provision of this act on and after that effective date.

SB 10

THEFT IN OFFICE (Wilson, S.)

To expand the penalties for theft in office based on the amount stolen and to include as restitution audit costs of the entity that suffered the loss.

SB 19

PROTECTION ORDERS (Williams, S.)

To enact the Extreme Risk Protection Order Act to allow family members, household members, and law enforcement officers to obtain a court order that temporarily restricts a person's access to firearms if that person poses a danger to themselves or others.

SB 22

PRECINCT OFFICIALS (Uecker, J.)

To reduce the minimum number of precinct election officials in a multi-precinct polling location in which electronic pollbooks are used.

SB 30

WOMEN'S SUFFRAGE (Kunze, S., Williams, S.)

To create the Women's Suffrage Centennial Commission and to declare an emergency.

SB 42

BALLOT ORDER (Dolan, M.)

To require uncontested races to appear at the end of an election ballot.

Health, Human Services & Medicaid

SB 27

FETAL REMAINS (Uecker, J.)

To impose requirements on the final disposition of fetal remains from surgical abortions.

Insurance & Financial Institutions

SB 14

DRUG INFORMATION (Maharath, T.)

Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

Judiciary

SB 11

DISCRIMINATION (Antonio, N.)

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation as an informal method that the Ohio Civil Rights Commission may use, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

SB 16

PEACE OFFICERS (Williams, S.)

Regarding instruction for peace officers, students, and new or student drivers on proper interactions with peace officers.

SB 33

CRITICAL INFRASTRUCTURE (Hoagland, F.)

To modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility.

Local Government, Public Safety & Veterans Affairs

SB 12

PHOTO MONITORING (Craig, H.)

To make changes to the laws governing traffic law photo-monitoring devices, other civil traffic violations, and related fines and fees.

SB 15

JUROR LISTS (Thomas, C.)

To require the names submitted by the Bureau of Motor Vehicles to the commissioners of jurors to be included on the annual jury source list compiled by the commissioners.

SB 32

PET CEMETERIES (Roegner, K.)

To make changes to the law governing pet cemeteries.

SB 38

WATER SEWER FUNDS (Schuring, K.)

To revise the law governing municipal corporation use of water and sewer funds.

SENATE PRESIDENT'S APPOINTMENTS

GOVERNMENT OVERSIGHT & REFORM: SEN. COLEY (CHAIR), M. HUFFMAN (VICE CHAIR), GAVARONE, HOAGLAND, MCCOLLEY, PETERSON, ROEGNER, UECKER, CRAIG (RMM), FEDOR, THOMAS

LOCAL GOVERNMENT, PUBLIC SAFETY & VETERANS AFFAIRS: SEN. UECKER (CHAIR), BRENNER (VICE CHAIR), HACKETT, HILL, HOAGLAND, RULLI, WILSON, MAHARATH (RMM), CRAIG, THOMAS

FINANCE: SENS. EKLUND, HOTTINGER, KUNZE, LEHNER, MCCOLLEY, SCHURING, TERHAR, WILSON, ANTONIO, O'BRIEN

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SENATE ACTIVITY REPORT

INTRODUCED AND REFERRED

SB 3

DRUG SENTENCING (Eklund, J., O'Brien, S.)
To express the intent of the General Assembly to develop and enact legislation to reform Ohio's drug sentencing laws.
Senate Judiciary

SB 5

PROSTITUTION (Kunze, S., Dolan, M.)
To amend the penalties for promoting prostitution.
Senate Judiciary

SB 6

CHILD HOSTING (Coley, B., Hottinger, J.)
To regulate temporary child hosting with host families.
Senate Health, Human Services & Medicaid

SB 9

CLAIM INFORMATION (Huffman, M.)
To require health plan insurers to release certain claim information to group plan policyholders.
Senate Insurance & Financial Institutions

SB 13

HUMAN TRAFFICKING (Fedor, T.)
To require a juvenile court to hold a delinquency

prostitution or human trafficking and to provide that the same elements for the offense of human trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen.
Senate Judiciary

SB 17

SEX ASSAULT VICTIMS (Yuko, K., Antonio, N.)

To prohibit law enforcement agencies from including identifying information of sexual assault victims in police reports posted online.
Senate Judiciary

SB 18

CONFINEMENT (Antonio, N., Lehner, P.)

To prohibit restraining or confining a woman or child who is a charged or adjudicated criminal offender or delinquent child at certain points during pregnancy or postpartum recovery.
Senate Judiciary

SB 20

CONTROLLED SUBSTANCES (Maharath, T.)

Regarding the disposal of controlled substances.
Senate Health, Human Services & Medicaid

SB 21

BENEFIT CORPORATIONS (Dolan, M.)

To allow a corporation to become a benefit corporation.
Senate Judiciary

SB 23

ABORTION (Roegner, K.)

To generally prohibit an abortion of an unborn human individual with a detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support.
Senate Health, Human Services & Medicaid

SB 24

ALZHEIMER'S DISEASE (Wilson, S., Yuko, K.)

To establish the Alzheimer's Disease and Related Dementias Task Force.
Senate Health, Human Services & Medicaid

SB 25

MEDICAID REQUIREMENTS (Huffman, M.)

Regarding work and education requirements for the

Senate Health, Human Services & Medicaid

SB 28

PROTECTION ORDERS (Hottinger, J.)

To increase the penalty that applies to the offense of violating a protection order under certain circumstances.

Senate Judiciary

SB 29

MEDICAID COPAYMENTS (Dolan, M.)

Regarding Medicaid copayment requirements.

Senate Health, Human Services & Medicaid

SB 31

PUBLIC RECORDS (Roegner, K.)

To include emergency service telecommunicators as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

Senate Judiciary

SB 34

SCHOOL EMPLOYMENT (Kunze, S.)

Regarding school employee employment and educator licensure and conduct.

Senate Education

SB 51

DRUG PRESCRIBING (Maharath, T.)

Regarding non-opioid directives and non-opioid therapies.

Senate Health, Human Services & Medicaid

INTRODUCED

SB 1

REGULATIONS (McColley, R., Roegner, K.)

To require certain agencies to reduce the number of regulatory restrictions and to amend the versions of sections 106.021 and 106.03 of the Revised Code that are scheduled to take effect August 18, 2019, to continue the provision of this act on and after that effective date.

SB 2

WATERSHED PROGRAMS (Dolan, M., Peterson, B.)

To create a statewide watershed planning structure

soil and water conservation districts.

SB 4

SCHOOL FACILITIES (Kunze, S., Rulli, M.)

To make a capital appropriation for school facilities assistance.

SB 7

OCCUPATIONAL LICENSING (Hackett, B., Lehner, P.)

Regarding temporary state occupational licenses for members of the military and their spouses.

SB 8

OPPORTUNITY ZONES (Schuring, K.)

To authorize tax credits for investments in an Ohio Opportunity Zone.

SB 10

THEFT IN OFFICE (Wilson, S.)

To expand the penalties for theft in office based on the amount stolen and to include as restitution audit costs of the entity that suffered the loss.

SB 11

DISCRIMINATION (Antonio, N.)

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation as an informal method that the Ohio Civil Rights Commission may use, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

SB 12

PHOTO MONITORING (Craig, H.)

To make changes to the laws governing traffic law photo-monitoring devices, other civil traffic violations, and related fines and fees.

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SB 15

JUROR LISTS (Thomas, C.)

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SB 16

PEACE OFFICERS (Williams, S.)

Regarding instruction for peace officers, students, and new or student drivers on proper interactions with peace officers.

SB 19

PROTECTION ORDERS (Williams, S.)

To enact the Extreme Risk Protection Order Act to allow family members, household members, and law enforcement officers to obtain a court order that temporarily restricts a person's access to firearms if that person poses a danger to themselves or others.

SB 22

PRECINCT OFFICIALS (Uecker, J.)

To reduce the minimum number of precinct election officials in a multi-precinct polling location in which electronic pollbooks are used.

SB 26

EDUCATOR TAX DEDUCTION (Kunze, S.)

To authorize a state income tax deduction for teachers' out-of-pocket expenses for professional development and classroom supplies.

SB 27

FETAL REMAINS (Uecker, J.)

To impose requirements on the final disposition of fetal remains from surgical abortions.

SB 30

WOMEN'S SUFFRAGE (Kunze, S., Williams, S.)

To create the Women's Suffrage Centennial Commission and to declare an emergency.

SB 32

PET CEMETERIES (Roegner, K.)

To make changes to the law governing pet cemeteries.

SB 33

CRITICAL INFRASTRUCTURE (Hoagland, F.)

To modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility.

SB 35

HOMESTEAD EXEMPTION (Brenner, A.)

To allow an enhanced homestead exemption for surviving spouses of public safety personnel killed in the line of duty.

SB 36

RENTAL PROPERTY (Huffman, M.)

To prescribe how federally subsidized residential rental property must be valued for property tax purposes.

SB 37

TAX CREDIT (Schuring, K.)

To extend eligibility for and make other changes to the motion picture tax credit.

SB 38

WATER SEWER FUNDS (Schuring, K.)

To revise the law governing municipal corporation use of water and sewer funds.

SB 39

INSURANCE TAX (Schuring, K.)

To authorize an insurance premiums tax credit for capital contributions to transformational mixed use development projects.

SB 40

CAMPUS SPEECH (Brenner, A., McColley, R.)

To enact the "Forming Open and Robust University Minds Act" regarding free speech on college campuses.

SB 41

ROAD NAMING (Wilson, S.)

To designate a portion of State Route 63 in Warren County as the "SFC John E. Conger, Jr. Memorial Highway."

SB 42

BALLOT ORDER (Dolan, M.)

To require uncontested races to appear at the end of an election ballot.

SB 43

DOMESTIC VIOLENCE (Antonio, N., Kunze, S.)

To address domestic violence by means of firearms restrictions, penalty enhancements, and a prohibition against strangulation, and to make an appropriation.

SB 44

LICENSE PLATE (Uecker, J.)

To create the "Archbishop Moeller High School" license plate.

SB 45

MONTH DESIGNATION (Hackett, B.)

Plant Month."

SB 46

TORT LAW (Eklund, J.)

To expand the exemption from punitive or exemplary damages limitations in tort law that is related to certain felony convictions.

SB 47

SEXUAL CONDUCT (Eklund, J.)

To create a procedure for certain offenders convicted of unlawful sexual conduct with a minor to petition a court for reclassification or removal from duties under the Sex Offender Registration and Notification Law and to permit record sealing in those cases.

SB 48

SPEEDY TRIALS (Eklund, J.)

To narrow the scope of speedy trial rules.

SB 49

BODY SEARCHES (Eklund, J.)

To authorize a corrections officer to cause a body cavity search to be conducted or to conduct a strip search and to establish separate rules for conducting strip searches.

SB 50

SOLID WASTE FEES (Eklund, J.)

To increase state solid waste disposal fee that is deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.

SENATE PRESIDENT'S APPOINTMENTS

EDUCATION COMMITTEE: SENS. LEHNER (CHAIR), TERHAR, BRENNER, COLEY, GAVARONE, HUFFMAN, M., HUFFMAN, S., MANNING, MAHARATH, SYKES.

JUDICIARY: SENS. EKLUND (CHAIR), MANNING, COLEY, GAVARONE, HUFFMAN, M., LEHNER, MCCOLLEY, THOMAS, FEDOR, O'BRIEN

HEALTH, HUMAN SERVICES & MEDICAID: SENS. BURKE (CHAIR), HUFFMAN, S., GAVARONE, HACKETT, HOTTINGER, KUNZE, LEHNER, BOEGER, SCHUBING, ANTONIO, MAHARATH, THOMAS

**INSURANCE & FINANCIAL INSTITUTIONS: SENS. HACKETT (CHAIR),
HOTTINGER, BRENNER, BURKE, DOLAN, HUFFMAN, S., KUNZE,
MCCOLLEY, TERHAR, WILSON, CRAIG, FEDOR, WILLIAMS**

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Probert, Kyle

From: Senate Majority Communications <John.Fortney@OhioSenate.gov>
Sent: Wednesday, May 01, 2019 12:22 PM
To: Probert, Kyle
Subject: Today in the Ohio Senate

Click [here](#) if you are having trouble viewing this message.



Today in the Ohio Senate

Wednesday, May 1, 2019

The Senate will recognize the following during today's Session:

- **St. Marys Memorial High School Student Athletes:** Senator Rob McColley (R-Napoleon) will recognize the St. Marys Memorial High School Boys and Girls Bowling Teams as the 2019 OHSA Division II State Champions and the Girls Powerlifting Team for winning the state championship in 2019.
- **Archery State Champions:** Senator Stephanie Kunze (R-Hilliard) will recognize Worthington's Bluffview Elementary School Archery Team for winning the 2019 Ohio National Archery in Schools Program State Tournament.
- **High School Gymnastics Champion:** Senator Jay Hottinger (R-Newark) will recognize senior Sydney Bradley of Sheridan High School for winning the 2019 OHSA Gymnastics All Around title.
- **Recognizing Outstanding Achievement:** Senator John Eklund (R-Munson Township) will recognize the Kent State University's Black United Students organization for outstanding achievement.
- **2018 Dispatcher of the Year:** Senator Theresa Gavarone (R-Bowling Green) will honor Tara Barnhart of the Bowling Green Dispatch Center for being named the 2018 Dispatcher of the Year

by the Ohio State Highway Patrol.

- **High School State Wrestling Champion:** Senator Stephanie Kunze will recognize Seth Shumate of Dublin Coffman High School as the 2019 Division I State Wrestling Champion in the 195-pound weight class.
- **Celebrating Make-A-Wish-Day:** Senator Stephanie Kunze will recognize April 29 as Make-A-Wish-Day in Ohio.

The Senate will consider the following legislation during today's Session:

- **Protecting Critical Infrastructure Against Criminal Acts:** Senate Bill 33, sponsored by Senator Frank Hoagland (R-Mingo Junction), recognizes the essential role critical infrastructure plays in our communities and takes steps to ensure it and public safety are protected.
- **Increasing Awareness of Ohio's Native Plants:** Sponsored by Senator Bob Hackett (R-London), Senate Bill 45 designated the month of April as "Ohio Native Plant Month."
- **Promoting Efficiency and Savings at Ohio's Public Colleges and Universities:** Senate Bill 120, sponsored by Senators Rob McColley (R-Napoleon) and Michael Rulli (R-Salem), eliminates the cap on the number of higher education performance audits that may be authorized by the State Auditor each biennium in order to help more state institutions of higher education find cost-saving benefits and keep college affordable for Ohio's students.
- **Designating Ohio's State Fossil Fish:** Sponsored by Senators Matt Dolan (R-Chagrin Falls) and Nathan Manning (R-North Ridgeville), Senate Bill 123 declares the Dunkleosteus terrelli as the state fossil fish. The fossil was discovered during the construction of Ohio's turnpike.

Click [here](#) to view live coverage of today's session provided by The Ohio Channel.

###



MAJORITY CAUCUS MEDIA CONTACT:

John Fortney

Senate Majority Communications

Phone: (614) 995-1280

Email: John.Fortney@OhioSenate.gov

Click [here](#) if you don't wish to receive these messages in the future.

Probert, Kyle

From: Champlin, Trent
Sent: Thursday, April 18, 2019 3:15 PM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.24.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 24th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 12 submissions total, on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman’s office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman’s office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: April 18, 2019

Wednesday, April 24, 2019
9:15 AM
North Hearing Room

AGENDA

S. B. No. 54 Eklund, Williams	Prohibit death penalty if offender seriously mentally ill	1st Hearing, Sponsor
S. B. No. 13 Fedor	Apply same human trafficking offenses to all victims under 18	4th Hearing, (Possible Amendments)
S. B. No. 33 Hoagland	Modify criminal and civil law for critical infrastructure damage	5th Hearing, Opponent/Interested Party/ Please note: In-person testimony will be limited to the first 12 submissions total, on a first-come, first- served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony **electronically** to the Committee Secretary **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

Probert, Kyle

From: Champlin, Trent
Sent: Friday, April 05, 2019 10:41 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.10.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: April 5, 2019

**Wednesday, April 10, 2019
9:15 AM
North Hearing Room**

AGENDA

S. B. No. 48* Eklund	Narrows the scope of speedy trial rules	4th Hearing, Proponent/Opponent/ Interested Party
S. B. No. 47* Eklund	Allow certain sex offenders to petition for SORN reclassification	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 78 Maharath	Prohibit smoking in motor vehicle if have a passenger under age 6	1st Hearing, Sponsor
S. B. No. 103 Dolan, Yuko	Grant Cleveland Housing Div-hear environmental pollution cases	1st Hearing, Sponsor
S. B. No. 118 Roegner	Increase penalty for assault if victim a sports official	1st Hearing, Sponsor
S. B. No. 33 Hoagland	Modify criminal and civil law for critical infrastructure damage	4th Hearing, Opponent/Please note: In-person testimony will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony electronically to the Committee Secretary no later than 24 hours before committee.

Please note, a media slip must be submitted to the chairman's office prior to the start of committee for those wishing to record, videotape, or photograph committee proceedings.

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

Probert, Kyle

From: Champlin, Trent
Sent: Thursday, March 28, 2019 9:52 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.3.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 3rd** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: March 28, 2019

Wednesday, April 3, 2019

9:15 AM

North Hearing Room

AGENDA

S. B. No. 108* Obhof	Eliminate rule of construction on determining legislative intent	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 31* Roegner	Exempt EMS telecommunicator info from Public Records Law	3rd Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
S. B. No. 48* Eklund	Narrows the scope of speedy trial rules	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 55* Gavarone	Enhance penalty for drug offense near addiction services provider	4th Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
S. B. No. 47 Eklund	Allow certain sex offenders to petition for SORN reclassification	2nd Hearing, Proponent (Possible Amendments)

S. B. No. 33
Hoagland

Modify criminal and civil law for critical infrastructure damage

3rd Hearing,
Opponent/Please note: In-person testimony will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Governor's Appointment:

Judy Wolford, J.D., Ohio Organized Crime Investigations Commission

NOTE: Amendments must be submitted to the committee Chairman’s office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony electronically to the Committee Secretary no later than 24 hours before committee.

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

Froehlich, Erin

From: Champlin, Trent
Sent: Thursday, March 28, 2019 9:52 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.3.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 3rd** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: March 28, 2019

**Wednesday, April 3, 2019
9:15 AM
North Hearing Room**

AGENDA

S. B. No. 108* Obhof	Eliminate rule of construction on determining legislative intent	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 31* Roegner	Exempt EMS telecommunicator info from Public Records Law	3rd Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
S. B. No. 48* Eklund	Narrows the scope of speedy trial rules	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 55* Gavarone	Enhance penalty for drug offense near addiction services provider	4th Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
S. B. No. 47 Eklund	Allow certain sex offenders to petition for SORN reclassification	2nd Hearing, Proponent (Possible Amendments)

*Possible Vote

S. B. No. 33
Hoagland

Modify criminal and civil law for critical infrastructure
damage

3rd Hearing,
Opponent/Please note: In-
person testimony will be
limited to the first five
submissions on a first-
come, first-served basis.
Any additional testimony
received will be submitted
as written-only testimony.

Governor's Appointment:

Judy Wolford, J.D., Ohio Organized Crime Investigations Commission

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony electronically to the Committee Secretary no later than 24 hours before committee.

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

Froehlich, Erin

From: Cassell, Elizabeth
Sent: Tuesday, April 09, 2019 9:47 AM
To: Cassell, Elizabeth; Champlin, Trent; Millen, Kate; Plahuta, Heather; Hawking, Andrew; Kieffer, Ian; Uxley, Andrew; Landers, Chris; Rossman, Kate; Cozad, Alison; Froehlich, Erin; Probert, Kyle; Wright, Christine; Martine, Laura; Peters, Cindy; DiMenna, Anthony; Shipman, Nathaniel; Griffith, Levi; Burriss, Michaela; Golterman, Chelsea; Strigari, Frank; Parsons, Donn; Stockman, Scott; State Senator John Eklund; State Senator Nathan Manning; State Senator Bill Coley; State Senator Theresa Gavarone; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Matt Huffman; State Senator Cecil Thomas; State Senator Sean O'Brien; State Senator Teresa Fedor
Subject: Follow-Up on Ms. Teresa Mills Testimony
Attachments: Human Rights and anti protest bills.docx

To: Members of Senate Judiciary Committee

Please see attached letter from the United Nations to the US Government per follow-up on Ms. Teresa Mills testimony from last week.

Many thanks.
Liz

Elizabeth M. Cassell
Senior Legislative Aide
Senator John Eklund
Ohio Senate
Phone (614) 644-7718
ecassell@ohiosenate.gov

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE:
OL USA 3/2017

27 March 2017

Dear Mr. Allegra,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 25/2 and 32/32.

In this connection, we would like to bring to the attention of your Government information we have received concerning **a number of proposed Bills criminalizing peaceful protests in 16 states in the United States of America (USA), representing a worrying trend that could result in a detrimental impact on the rights to freedom of peaceful assembly and freedom of expression in the country.**

According to information received:

Between 26 May 2015 and 23 February 2017, draft legislation was presented in 16 US states that, if passed into law, would severely infringe upon the exercise of the rights to freedom of expression and freedom of peaceful assembly in ways that are incompatible with US obligations under international human rights law.

In this regard, we wish to submit the following comments on some of the aspects of the draft laws.

1. Presentation of the Bills

A. Pending Bills

Arkansas

Senate Bill 550 was introduced on 2 March 2017. The proposed Bill would create the offense of “unlawful mass picketing”. The Bill defines “mass picketing” as “the assembly of persons in the use of pickets or demonstrations at or near a business, school, or private facility. A person would be guilty of unlawful mass picketing if she or he: “knowingly engages in picketing obstructs access by the mass picketing to the pursuit of lawful work or employment; or obstructs the entrance to or egress from a place of free use of public roads, streets, highways, railways, airports, or other rights of way of travel or conveyance, or engages in mass picketing at a private residence that obstructs the entrance to or exit from the private residence; or includes a threat of violence or intimidation communicated near or contiguous to the private residence”.

The Bill expressly excludes any individual “who is validly exercising his or her rights as guaranteed by the United States Constitution or the Arkansas Constitution” from its ambit. The Commission of unlawful mass picketing would constitute a Class A misdemeanor, punishable by up to one year in prison, a fine not to exceed \$2,500, or both.

We are concerned that considering some picketing “unlawful” could result in hindering the right of individuals to assemble. If enacted, this Bill would further increase criminalization of picketing discretionally considered “unlawful”.

Colorado

Senate Bill No. 17-035 was introduced on 11 January 2017. According to the Bill, “Although there is a crime for tampering with equipment associated with oil or gas gathering operations, people continue to break into enclosed areas, break locks, and adjust valves on oil or gas gathering equipment”. The Bill would therefore propose that “obstructing or tampering with oil and gas equipment” entail a harsher penalty, being reclassified from a misdemeanour to a “Class 6” felony (section 2), a category of crime that can be punished by up to 18 months in prison and a fine of up to \$100,000.

In addition, the Bill also provides that oil and gas firms (or “any other victim”) may pursue separate claims against a protester who is also being prosecuted by the State.

The definition of “tampering with equipment associated with oil or gas gathering operations” is explained as “Any person who in any manner knowingly destroys, breaks, removes, or otherwise tampers with or attempts to destroy, break, remove, or otherwise tamper with any equipment associated with oil or gas gathering operations”. This vague

definition could be interpreted very broadly, therefore encompassing a wide range of situations, such as a peaceful protest near the concerned area, which could be construed as going in and tampering with equipment. The bill could consequently deter protestors from assembling freely, especially in contexts of environmental protests.

The bill was reportedly proposed to prevent activists from shutting off pipelines, as part of a national pattern of increased repression of this form of political dissent. We are concerned at the Bill's imposition of much harsher penalty for environmental protesters, the possibility to pursue separate claims against a protester, as well as that the Bill's broad language which includes anyone who "attempts to alter, obstruct, interrupt, or interfere with the action of any equipment used or associated with oil or gas gathering operations". We are concerned that these elements of the Bill could severely restrict freedom of assembly in protests involving such equipment, generally focus on environmental rights.

We are finally concerned that this Bill is introduced in a context of strong controversies in the State of Colorado over the question of oil and gas extraction. In recent years, many demonstrations have taken place to support civil disobedience actions against drilling methods that reportedly are environmentally harmful.

Florida

Senate Bill No.1096 was introduced on 21 February 2017. The Bill provides that "A person may not obstruct or interfere with the regular flow of vehicular traffic on a public road, street, or highway during a protest or demonstration for which a public assembly permit or other applicable special event permit has not been issued by a county or municipality". The penalty for obstructing traffic amounts to a second degree misdemeanour, punishable by up to 60 days in prison and a \$500 fine.

The Bill further provides that "a motor vehicle operator who unintentionally causes injury or death" to a protestor interfering with traffic during an unpermitted protest "is not liable for such injury or death".

We are concerned that this Bill would disproportionately criminalize protestors for non-authorized protests, deterring individuals to hold peaceful protests.

We are seriously concerned at the provision lifting the liability of individuals who cause death or injuries to protestors in situations of non-authorized protests. If adopted, this Bill would have a chilling effect on protestors, leading to restrictions of the rights to peaceful assembly and expression.

Georgia

Senate Bill No. 160 was introduced on 10 February 2017 and approved by the Senate on 24 February 2017. The Bill was transferred to the other chamber and is now at

the stage of the second reading (since 28 February 2017). The Bill would increase the penalties for intentionally or recklessly blocking “any highway, street, sidewalk, or other passage.” Accordingly, protesters and demonstrators obstructing a public sidewalk could be charged with a misdemeanour of a “high and aggravated nature”, subject to a fine of up to \$5,000 or up to one year in prison.

We are concerned about the fact that a sanction could be imposed for intentionally blocking the traffic as well as the severity of the sanction that is largely disproportionate to the aim to be attained.

Indiana

Senate Bill No. 285 was introduced on 9 January 2017. The Bill defines as “mass traffic obstruction” “an incident in which, as part of or as a result of a protest, riot or other assembly, at least ten persons obstruct vehicular traffic (...)”.

The Bill provides that public officials (mayor, town board or sheriff) must, within 15 minutes of learning of a mass traffic obstruction, dispatch all available law enforcement with directions to “use any means necessary to clear the roads of the persons unlawfully obstructing vehicular traffic”.

We are concerned that the Bill poses a very narrow definition of what is a “mass traffic obstruction” by considering that an obstruction of traffic by only ten persons could be considered as such.

Furthermore, “use any means necessary” would further allow law enforcement officials broad discretion in the means used to break up public assemblies. This would entail that almost any assembly that is interpreted as “obstructing vehicular traffic” would be forbidden or repressed with, potentially, excessive use of force.

Iowa

Bill Senate File No. 111 was introduced on 19 January 2017. It provides that a person who “intentionally block the traffic on certain highways” “commits a class “D” felony, which is punishable by “no more than five years in prison and a fine of at least \$750 but not to exceed \$7,500”.

We are concerned that a sanction could be imposed for “intentionally blocking the traffic” as well as the severity of the sanction that is largely disproportionate to the aim to be attained.

We are additionally concerned over the fact that the Bill was reportedly introduced as a response to the protests taking place in Iowa City, following the 2016 General Elections, as an expression of disagreement with the methods used by protestors, mainly disrupting traffic.

Michigan

House Bill No. 4643 was introduced on 26 May 2015, approved by the House on 7 December 2016, and is yet to be considered by the Senate.

The Bill provides that “a person shall not obstruct or interfere with entrance to or egress from any place of employment by mass picketing”, “obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports or other ways to travel or conveyance by mass picketing”. These prohibitions nevertheless don’t apply to picketing that is authorized under the constitution of the United States (...).”

The Bill further provides that individuals who return to a disruptive demonstration already blocked by a court would face fines of up to \$1,000 per day, with unions or other groups liable to up to \$10,000 per day. The Bill allows employers or others affected by mass picketing to bring an action against the demonstrators in local circuit court. It also lowers the threshold required for a court to order picketers and protesters to stop demonstrating. Under the Bill, in certain cases, employers can obtain injunctive relief.

We are concerned the Bill would dramatically increase penalties for protestors, especially for trade unions protestors, excising their legitimate right to assemble peacefully and facilitate the procedure for a court to order a demonstration to cease.

Minnesota

1. House File No. 55 and Senate File No. 148

The Bill was introduced on 5 January 2017 in the House and on 17 January in the Senate. The Bills would increase penalties for protestors who intentionally obstruct highway traffic by a gross misdemeanour rather than a misdemeanour, with penalties up to a year in prison and \$3,000 fine.

We are concerned this Bill would greatly increase penalties for nonviolent cases involving protestors during peaceful assemblies and therefore deter individuals to take part in peaceful protests.

2. House File No. 322

House File No. 322 was introduced on 19 January 2017. The Bill provides that “a person is civilly liable for public safety response costs if the person is convicted of participating in an unlawful assembly under section 609.705, being present at an unlawful assembly under section 609.715, or committing a public nuisance under section 609.74”.

It further states that “Civily liable for public safety response costs” means that the person is liable to a state agency or political subdivision for costs incurred for the purpose of responding to the unlawful assembly or public nuisance.

The Bill would allow state authorities to bring civil lawsuits against protestors convicted of unlawful assembly or public nuisance. Moreover, the individual would be liable for the total public cost comprising the equipment used, the state agents’ time or any other administrative expense to put an end to the “unlawful assembly”.

We are concerned that the Bill would impose excessive penalties on the participants for exercising their right to peaceful assembly.

We are also concerned that this Bill, introduced following a series of protests led by the Black Lives Matter movement blocking busy interstates in the Twin Cities, during which a man was shot and killed by a St. Anthony police officer in July 2016, could be adopted as a way to crack down on protests in Minnesota. A State representative justified the Bill as a good measure to the cost entailed by protests for the taxpayers.

3. House File No. 390

House File No. 390 was introduced on 23 January 2017. According to the draft: “Whoever intentionally commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit vehicle is guilty of a crime and may be sentenced” to “imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or (2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence”.

The Bill would increase fines for protestors that obstruct highway and airport traffic. It would additionally allow prosecutors to seek jail sentences for up to one year if no violence was involved and up to three years if acts of violence were committed.

We are concerned that the Bill would dramatically stiffen penalties for protestors excising their legitimate right to assemble peacefully and therefore have a chilling effect on individuals to exercise their right to peaceful assembly.

Missouri

1. House Bill No. 179

House Bill 179, introduced on 4 January 2017, provides that a person who intentionally conceals “his or her identity by the means of a robe, mask, or other disguise” while engaged in an “unlawful assembly” would constitute a Class A misdemeanor, entailing a penalty of up to one-year imprisonment.

The Bill exempts identity-concealing coverings for the purposes of religion, safety, or medical needs. The Missouri legislature's website indicates that wearing a "hood" would also be included in criminalized coverings.

The broad and vague term of "other disguise" could comprehend a wide variety of situations and therefore overly criminalize protestors. We are concerned that this Bill, if adopted, would similarly impose excessive penalties on protestors.

2. House Bill No. 826

House Bill 826 was introduced on 2 February 2017. According to the Bill, an "unlawful assembly" consists of "two or more persons who meet for the purpose of violating any of the criminal laws of this state or of the United States".

It creates a new crime of "unlawful traffic interference", if the person has an intention to "impede vehicular traffic" and if "he or she walks, stands, sits, lies, or places an object in such a manner as to block passage by a vehicle on any public street or highway or interstate highway".

The commission of "unlawful traffic interference" while participating in an "unlawful assembly" is subject to up to seven years in prison.

We are concerned that the Bill provides too wide of a definition of what is an "unlawful assembly" and imposes excessive penalties for what is considered "unlawful traffic interference". If adopted, the Bill would highly curtail the right to peaceful assembly.

North Carolina

House Bill No. 249 was introduced on 2 March 2017. The Bill would criminalize protests obstructing traffic through "economic terrorism" defined as an individual who "wilfully and maliciously or with reckless disregard" disrupts the regular course of business and results in damages of over \$1,000. This criminal offense could be punishable of up to 25 months in prison and make a protestor liable for the costs incurred by the state response, as well as charging him/her in a civil action.

The Bill further provides that, if a person wilfully stands, sits, or lies upon the highway or street in such a manner as to impede the regular flow of traffic, or if she remains at the scene after being warned to disperse, criminal penalties would be increased.

We are concerned that the Bill broadly defines "economic terrorism", encompassing a wide range of situations, including peaceful protests and leading to their potential disproportionate criminalization.

North Dakota

In North Dakota, House Bill No. 1304 - introduced on 12 January 2017 - was signed by the Governor on 2 March 2017. It provides that “An individual may not wear a mask, hood, or other device that covers, hides, or conceals any portion of that individual's face with the intent to intimidate, threaten, abuse, or harass any other individual, for the purpose of evading or escaping discovery, recognition, or identification during the commission of a criminal offense; or for the purpose of concealment, flight, or escape when the individual has been charged with, arrested for, or convicted of a criminal offense”.

House Bill No. 1426 was introduced on 16 January 2017 and was signed by the Governor on 2 March 2017.

The Bill increases protests penalties from Class C to Class B felony if a riot involves more than 100 people and from Class A misdemeanour to Class C felony otherwise.

We are highly concerned over the Bills proposed by legislators in both chambers. In particular, House Bill No. 1426 will highly increase penalties for participating in protests and therefore is likely to have a chilling effect on protestors in North Dakota.

We recall that the Special Rapporteurs have, on several occasions, condemned the violent repression of protests held in North Dakota in opposition to the construction of the pipeline that threatens to contaminate waters and disrupt sacred sites of the Standing Rock Sioux Tribe. We are finally highly concerned at the fact that, despite the reiterated calls of the Special Rapporteurs to hold the construction of the Dakota Access Pipeline, an executive order issued on 24 January 2017 seeks to advance the stalled project.

Oklahoma

House Bill No. 1123 was introduced on 17 January 2017 and approved by the House on 28 February 2017. According to the Bill: “any person who shall wilfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanour punishable by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for a term of six months, or by both such fine and imprisonment”.

Additionally, if an intent of “wilfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility”, the person could be guilty of a fine of no less than \$10,000, a one-year imprisonment or both.

The Bill provides a long list of “critical infrastructure” facilities, including petroleum or alumina refinery, a liquid natural gas terminal or storage facility or a transmission facility used by a federally licensed radio or television station.

We are concerned this Bill would target peaceful protests in certain contexts, such as protests which focus on environmental rights, imposing disproportionate penalties on protestors. We are even more concerned that the Bill reportedly was prompted by the Dakota Access Pipeline protests in North Dakota.

Oregon

Senate Bill No. 540, introduced on 9 January 2017, would oblige public universities and community colleges to expel students who are convicted of participating in a riot “under ORS 166.015” defined as “a person commits the crime of riot if while participating with five or more other persons the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm”.

We are concerned this provision could have a chilling effect, deterring students to participate in peaceful protests by fear of being expelled.

South Dakota

Senate Bill No. 176, introduced on 3 February 2017, was signed by the Governor on 13 March 2017.

The Bill provides that:

“Upon the request of the Governor and the sheriff of the county where the public land is situated, the commissioner of school and public lands may prohibit any group larger than twenty persons from congregating upon any tract of land under the supervision of the commissioner of school and public lands, if the prohibition is necessary to preserve the undisturbed use of the land by the lessee or if the land may be damaged by the activity”.

“The Department of Transportation with respect to highways under its jurisdiction may promulgate rules pursuant to chapter 1-26 to prohibit or restrict the stopping, standing, or parking of vehicles or the presence of any person standing outside of a motor vehicle, on any highway or highway right-of-way if such stopping, standing, or parking, or presence of any person standing is dangerous to those using the highway or if the stopping, standing, or parking of vehicles or the presence of persons outside of a motor vehicle would unduly interfere with the free movement of traffic thereon on the highway. A violation of this section is a Class 1 misdemeanor”.

Finally, “Unless otherwise directed by law enforcement or other emergency personnel or to seek assistance for an emergency or inoperable vehicle, no person may stand upon the paved or improved or main-travelled portion of any highway with intent to impede or stop the flow of traffic”.

We are concerned that the broad language used to justify the prohibition of gatherings could grant the Governor and the Sheriff wide power to discretionally justify the prohibition of peaceful assemblies.

Moreover, including new penalties for obstructing traffic would curtail the right to peaceful assembly and freedom of expression, impeding citizens to use public spaces to express their opinion.

Tennessee

House Bill No. 0668 and Senate Bill No. 0944 were both introduced in the House and the Senate on 9 February 2017.

The Bills provide that:

“(a) A person driving an automobile who is exercising due care and injures another person who is participating in a protestor demonstration and is blocking traffic in a public right-of-way is immune from civil liability for such injury.

(b) A person shall not be immune from civil liability if the actions leading to the injury were willful or wanton”.

The Bills would have the effect of exempting drivers from liability if they accidentally hit a pedestrian. If adopted, the Bills would enable general impunity of individuals aiming at protestors, create a climate of fear and highly increase insecurity of protests.

Washington

Senate Bill No. 5009 was introduced on 15 December 2016. If adopted, the Bill would allow a prosecuting attorney to file a special allegation that an accused committed an offense in order “to cause an economic disruption”. If the court were to find that a participant intended to create such a disruption, sentences can be extended 60 days for a misdemeanour, 6 months for a gross misdemeanour, and 12 months for a felony.

The proposed Bill defines “attempting to or causing an economic disruption” as a crime intended to:

(a) “Influence the policy of a government by intimidation or coercion; and

- (b) Obstruct, hinder, or delay the passage of any train, truck, car, ship, boat, aircraft, or other vehicle or vessel engaged in the carriage, hauling, transport, shipment, or delivery of goods, cargo, freight, or other item, in commerce; or
- (c) Interferes with, tampers with, damages, or obstructs any pipeline facility, bulk oil terminal, marine terminal, tank car, waterborne vessel or barge, or power plant.”

We are concerned about the criminalization of protestors for causing economic disruption. We are all the more worried that the sponsoring State Senator reportedly proposed the Bill in response to protests aimed at disrupting activities that he referred to as “economic activities”. This Bill would therefore attempt to deter protestors that would have an effect on the corporate sector.

B. Defeated Bills

In other States, similar bills restricting the rights to freedom of assembly and association were also introduced but were not passed in Arizona, Mississippi, North Dakota and Virginia.

On 19 January 2017, Senate Bill No. 1142 was introduced in Arizona. It was transmitted to the House for review on 22 February 2017 after being passed by the previous chamber. The Bill foresees to add “rioting” to the list of offenses covered by the state's Racketeer Influenced and Corrupt Organization laws. Protests turning violent could lead to criminal racketeering charges and the Bill further allows the prosecutor to seize a person's assets not only for participating in a “riot” but also to have planned such a riot.

In Mississippi, Senate Bill 2730 was introduced on 16 January 2017 and was defeated on 31 January 2017. The Bill would have created a crime of “maliciously impeding traffic on a public road”. The obstruction of public traffic was defined as “a person sitting, standing or lying in a public road or highway that would impede or hinder the passage of emergency vehicles, the violation shall be a felony punishable by a fine not to exceed Ten Thousand Dollars (\$10,000,00) or imprisonment not to exceed five (5) years, or both”. In North Dakota, several introduced bills were defeated. The Bills, although defeated, show a worrying pattern of the will of legislators to discourage protests, especially protests aiming at defending environmental issues.

House Bill No. 1203 was introduced on 9 January 2017 and failed to pass on 13 February 2017 (41 in favour and 51 against). According to the Bill, such a motorist would therefore not be liable or found guilty of an offense, even when leading to death, as long as it would be by negligence or “unintentional”. House Bill No. 1332 was introduced on 16 January 2017 and failed to pass on 30 January 2017. The Bill provided that anyone

convicted of criminal trespass, a Class A misdemeanour, would have had to pay a new additional \$1,000 fine to support the county sheriff. House Bill No. 1383, introduced on 16 January 2017, failed to pass on 6 February 2017. It made it illegal for an individual to be in a place, “at a time, or in any unusual manner, that warrants justifiable and reasonable alarm or immediate concern for the safety of other individuals or property in the vicinity”. Senate Bill No. 2246 was introduced on 16 January 2017. It was defeated on 21 February 2017. The Bill entailed a fine of \$5,000 for refusing to vacate:

In Virginia, Senate Bill 1055 was introduced on 6 January 2017 and defeated on 23 January 2017. If adopted, the Bill would likewise have dramatically increased penalties for protestors engaged in assemblies considered “unlawful”. Any law that would chill protesting also threatens the right to freedom of expression.

C. Others

North Carolina

On 23 January 2017, a Senator pledged to introduce legislation making it a crime to “threaten, intimidate, or retaliate against a present or former North Carolina official in the course of, or on account of, the performance of his or her duties.”

The Bill, if introduced and adopted, could consider a protestor a criminal for taking part in a protest aiming at criticizing a State official.

The proposition was reportedly aiming at countering protestors and journalists who criticized the former state Governor for signing a law making North Carolina the first state to require transgender people to use the bathroom that matched the gender listed on their birth certificates, rather than the gender with which they identify.

We are concerned that, if enacted, this proposition would highly curtail the rights to freedom of expression and peaceful assembly, as a way to crack down on any dissent view against legislators or any other state official in the performance of his duties.

2. Legal standards

We are concerned that the above-mentioned Bills are incompatible with international human rights law and would unduly restrict the possibility for individuals to freely exercise their rights to freedom of opinion and expression, and peaceful assembly. If adopted, the pending Bills could have a domino effect on other states, leading to a general crackdown on protests in the United States.

As for the other Bills, although defeated, they show a worrying pattern of legislators, at the state level, to try to enact legislation aiming at criminalizing and potentially discouraging protests.

1. General Legal standards

The right to freedom of peaceful assembly is guaranteed in article 21 of the Covenant on Civil and Political Rights (ICCPR), ratified by the United States on 8 June 1992, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”.

It is also reflected in article 8 of the International Covenant on Economic, Social and Cultural Rights, signed by the United States in 1977. It is a key human right in international human rights law, enshrined in article 20 of the Universal Declaration of Human Rights (UDHR).

The right to freedom of opinion and expression is enshrined in article 19 of the ICCPR and 19 of the UDHR. It can also be subject to certain restrictions but these shall only be “provided by law” and “necessary” for “respect of the rights or reputations of others” and the protection of national security or of public order (*ordre public*), or of public health or morals”.

Resolution 24/5 of the Human Rights Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

2. Positive obligations

The Special Rapporteur on the rights to freedom of peaceful assembly and association stressed, in his first thematic report, that the enjoyment of the right to hold and participate in peaceful assemblies entails the fulfilment by the State of its positive obligation to facilitate the exercise of this right (A/HRC/20/27, para 27).

- About the growing criminalization of protests

We are concerned that the growing criminalization of peaceful protests, as proposed by all aforementioned Bills, could deter individuals from organizing or participating in peaceful protests and have the effect of curtailing the rights to freedom of peaceful assembly and freedom of expression.

The Special Rapporteur on the rights to freedom of peaceful assembly and association highlighted, that assemblies are also an instrument through which other social, economic, political, civil and cultural rights can be expressed, meaning they play a critical role in protecting and promoting a broad range of human rights. They can be instrumental in amplifying the voices of people who are marginalized or who present an alternative narrative to established political and economic interests. Assemblies present ways to engage not only with the State, but also with others who wield power in society, including corporations, religious, educational and cultural institutions, and with public opinion in general (A/HRC/31/66, para 6).

The Special Rapporteur on the rights to freedom of peaceful assembly and association as well as the Special Rapporteur on extrajudicial, summary or arbitrary executions stressed, in a joint report on the proper management of assemblies, that the ability to assemble and act collectively is vital to democratic, economic, social and personal development, to the expression of ideas and to fostering engagement in citizenry. Assemblies can make a positive contribution to the development of democratic systems and, alongside elections, play a fundamental role in public participation, holding governments accountable and expressing the will of the people as part of the democratic processes (A/HRC/31/66, para 5).

- About the duty to protect peaceful protests and protestors

We are highly concerned about Florida Senate Bill No.1096, North Dakota House Bill No. 1203 (even if defeated) as well as Tennessee House Bill No. 0668 and Senate Bill No. 0944 which would have the effect of exempting drivers from liability if they accidentally hit a pedestrian. Allowing individuals to “hit” protestors blocking traffic during protests (whether they are authorized or not), possibly resulting in deaths and further exempting them from any liability, would lead to a general impunity of individuals aiming at protestors, create a climate of fear and highly increase insecurity of protests.

The right to life (article 3 of the UDHR and article 6 of the ICCPR) should be overarching principles governing the policing of public assemblies. Not only should the State protect this non-derogable right at all cost, but it should certainly not allow individuals exemption from attempting to protect a protestor’s life for the reason that she/he is blocking traffic as a consequence of his participation in a peaceful assembly.

The Special Rapporteur on the rights to freedom of assembly and association stresses that States have a positive obligation to actively protect peaceful assemblies. Such obligation includes the protection of participants of peaceful assemblies from individuals or groups of individuals, including *agents provocateurs* and counter-demonstrators, who aim at disrupting or dispersing such assemblies. Such individuals include those belonging to the State apparatus or working on its behalf (A/HRC/20/27, para 33).

- About protests turning violent

We are concerned several Bills aim at criminalizing protestors for protests turning violent, as it is established by Arizona Senate Bill No. 1142 and Minnesota Bill HF No. 390. These Bills could have the effect of criminalizing protestors for protests turning violent as a consequence of the unlawful conduct of others.

The protection of rights also requires that positive measures be taken to prevent actions by non-State actors that could interfere with their exercise (A/HRC/31/66, para 14). According to the Special Rapporteur on the rights to freedom of peaceful assembly and association, “assembly organizers and participants should not be considered responsible (or held liable) for the unlawful conduct of others... [and, together with] assembly stewards, should not be made responsible for the maintenance of public order” (A/HRC/20/27, para 31).

The Special Rapporteur on the rights to peaceful assembly and association has repeatedly stated that there is no such thing as a violent protest but there are violent protestors, which should be dealt with individually and appropriately by law enforcement. One person’s decision to resort to violence does not strip other protesters of their right to freedom of peaceful assembly. This right is not a collective right; it is held by each person individually.

- About costs incurred during protests

We are concerned at several Bills providing that an individual could be liable for the total public cost to put an end to an “unlawful assembly” as foreseen by Minnesota Bill HF No. 322 and North Carolina House Bill No. 249.

With regard to the responsibilities of organizers, the Special Rapporteur on the rights to peaceful assembly and association is of the opinion that “organizers should not incur any financial charges for the provision of public services during an assembly (such as policing, medical services and other health and safety measures)” (A/HRC/20/27, para 31).

3. Other obligations

States also have obligations not to unduly interfere with the right to peaceful assembly.

- Not to use excessive force during assemblies

We are highly concerned about Indiana Senate Bill No. 285 providing public official must, within 15 minutes of learning of a mass traffic obstruction, dispatch all available law enforcement with directions to “use any means necessary to clear the roads of the persons unlawfully obstructing vehicular traffic”. The broad language of the Bill

could result in excessive use of force during protests when these could be discretionally considered by law enforcement officials as “unlawfully obstructing vehicular traffic”.

As mentioned earlier, any restrictions imposed must be necessary and proportionate to the aim pursued. The Special Rapporteur on the rights to peaceful assembly and association stated that the use of force should be used on an exceptional basis, if it is strictly unavoidable and if applied, it must be in accordance with international human rights law, following principles of legality, precaution, necessity, proportionality and accountability (A/HRC/31/66, para 50).

- Authorization to hold peaceful assemblies

Various Bills refer to what they consider “unlawful assemblies”: Arkansas Senate Bill No. 550 “unlawful mass picketing”, Florida Senate Bill No.1096 “a protest or demonstration for which a public assembly permit or other applicable special event permit has not been issued by a county or municipality”; Indiana Senate Bill No. 285 “persons unlawfully obstructing vehicular traffic”; Minnesota HF 55, SF 148 and HF 390; Missouri HB 179 and HB 826 “unlawful assembly”; North Dakota, House Bill 1383 “to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public or private place without a lawful reason”.

We are concerned that, by considering unauthorized assemblies to be “unlawful” and criminalizing them, States could have a discretionary power to authorize or not assemblies. Consequently, the Bills would have a deterring effect on protestors who want to hold peaceful assemblies not previously authorized by the state.

The Special Rapporteur on the rights to peaceful assembly and association has identified as best practice “laws governing freedom of assembly [that] both avoid blanket time and location prohibitions, and provide for the possibility of other less intrusive restrictions... Prohibition should be a measure of last resort and the authorities may prohibit a peaceful assembly only when a less restrictive response would not achieve the legitimate aim(s) pursued by the authorities” (A/HRC/20/27, para 39).

The Special Rapporteur on the rights to peaceful assembly and association further believes that the exercise of fundamental freedoms should not be subject to previous authorization by the authorities but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others. Such a notification should be subject to a proportionality assessment, not unduly bureaucratic and be required a maximum of, for example, hours prior to the day the assembly is planned to take place. Should the organizers fail to notify the authorities, the assembly should not be dissolved automatically and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment. This is all the more relevant in the case of spontaneous assemblies where the organizers are unable to comply with the requisite notification requirements, or

where there is no existing or identifiable organizer. In this context, the Special Rapporteur holds as best practice legislation allowing the holding of spontaneous assemblies, which should be exempted from prior notification (A/HRC/20/27, para 28).

We are concerned at the fact that most Bills criminalize peaceful protests for “obstructing traffic”: Florida Senate Bill No.1096, Georgia Senate Bill No. 160, Indiana Senate Bill No. 285, Iowa Bill SF 111, Michigan House Bill No. 4643, Minnesota Bill HF 390, Missouri House Bill No. 179 and House Bill No. 126. This legislation was reportedly proposed in response to an increasing number of highway and other roads closures by activists.

In this connection, we would like to highlight the recommendations made in the report of the joint report of the Special Rapporteur on freedom of peaceful assembly and association and of the Special Rapporteur on extrajudicial, summary or arbitrary executions: “Assemblies are an equally legitimate use of public space as commercial activity or the movement of vehicles and pedestrian traffic. Any use of public space requires some measure of coordination to protect different interests, but there are many legitimate ways in which individuals may use public spaces. A certain level of disruption to ordinary life caused by assemblies, including disruption of traffic, annoyance and even harm to commercial activities, must be tolerated if the right is not to be deprived of substance” (A/HRC/31/66, para 32).

- Concealment

Missouri House Bill No. 179 and North Dakota House Bill No. 1304 (approved) both foresee penalties for concealing an individual’s identity or a portion of his face.

We are concerned this measure could further increase penalties for peaceful protestors. In his 2014 report to the Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and association stressed that numerous jurisdictions have in recent years banned peaceful protesters from covering their faces during demonstrations, motivated by fears that demonstrators who wear masks or hoods could engage in violence and escape punishment due to their concealed identities. The Special Rapporteur is concerned that bans on face coverings during assemblies are in some circumstances used to target particular groups and improperly curtail their right to freedom of peaceful assembly. He further stated that there may be legitimate and non-criminal reasons for wearing a mask or face covering during a demonstration, including fear of retribution (A/HRC/26/29, para 32 and 33).

4. *General observations*

The Bills were mainly proposed at the beginning of 2017 and exclusively by Republican legislators. Given the current context in the United States, where several protests have erupted in the past few years, starting with the general movement led by Black Lives Matter and the recent protests arising after the presidential elections, we are

concerned that the proposed legislation, by increasingly criminalizing peaceful protests, is designed to discourage the development of that movement.

If enacted, the Bills would highly curtail the rights to freedom of opinion and peaceful assembly in ways that are incompatible with US obligations under international human rights law, in particular articles 19 and 21 of the ICCPR, as well as the First Amendment of the American Constitution.

The Bills would have a chilling effect on protestors, stripping the voice of the most marginalized, who often find in the right to assemble the only alternative to express their opinions. We are particularly concerned about the fact that several Bills directly target environmental activists. Senate Bill No. 17-035 in Colorado, House Bill No. 1383, Senate Bill No. 2246, as well as other proposed state Bills in North Dakota, and House Bill No. 1123 in Oklahoma would dramatically increase penalties over protests held in the vicinity of environmentally sensitive areas. As mentioned above, these Bills were reportedly proposed as a response to the protests organized by activists and opponents of the Dakota Access Pipeline in North Dakota.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide all information or additional comments in relation to these allegations.
2. Please explain how the aforementioned Bills are in accordance with the United States of America's obligations under international human rights law, particularly with regard to the rights of freedom of opinion and peaceful assembly as enshrined in articles 19 and 21 of the ICCPR, as well as articles 19 and 20 of the UDHR, respectively.
3. Please explain whether any analysis and/or consultation has been undertaken to assess the impact of the proposed legislation on the situation of human rights. Please share the outcome of any such analysis or consultation.
4. Please indicate whether the proposed Bills have been reviewed in light of United States of America's international human rights obligations to which the United States of America is a party. Please share the outcome of any such review.
5. Please indicate what measures your Government intends to take at the Federal level to ensure states adopt legislation in accordance to the American States' international obligations and generally protect the rights to freedom of expression and peaceful assembly in the country.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate

a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Government to clarify the issues in question.

Finally, we would like to inform your Government that this communication will be made available to the public and posted on the website page for the mandate of the Special Rapporteur on the right to freedom of expression: (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>).

Your Government's response will also be made available on the same website as well as in the regular periodic Communications Report to be presented to the Human Rights Council.

Please accept, Mr. Allegra, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Froehlich, Erin

From: Champlin, Trent
Sent: Friday, April 05, 2019 10:41 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.10.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: April 5, 2019

**Wednesday, April 10, 2019
9:15 AM
North Hearing Room**

AGENDA

S. B. No. 48* Eklund	Narrows the scope of speedy trial rules	4th Hearing, Proponent/Opponent/ Interested Party
S. B. No. 47* Eklund	Allow certain sex offenders to petition for SORN reclassification	3rd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 78 Maharath	Prohibit smoking in motor vehicle if have a passenger under age 6	1st Hearing, Sponsor
S. B. No. 103 Dolan, Yuko	Grant Cleveland Housing Div-hear environmental pollution cases	1st Hearing, Sponsor
S. B. No. 118 Roegner	Increase penalty for assault if victim a sports official	1st Hearing, Sponsor
S. B. No. 33 Hoagland	Modify criminal and civil law for critical infrastructure damage	4th Hearing, Opponent/Please note: In-person testimony will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony electronically to the Committee Secretary **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

Froehlich, Erin

From: Parsons, Donn
Sent: Wednesday, May 01, 2019 12:10 PM
To: Republican Caucus Staff; Republican Legislative Aides; Republican Senior Legislative Aides; Republican Communications; LSC Fellows Republican
Subject: SB 33
Attachments: SB 33 (Protecting Critical Infrastructure in Ohio).docx

Please find the policy memo for SB 33 attached to this email.

Donn



POLICY MEMO FOR:

SB 33

“PROTECTING OHIO’S CRITICAL INFRASTRUCTURE”

Updated May 1, 2019 to reflect the bill's latest status:

AS PASSED BY THE SENATE

Sponsor(s)

Hoagland

Cosponsor(s)

Coley, Huffman, Maharath, Peterson, Rulli, Terhar, Wilson

What to Know

- Recently, protestors have crossed the line from peacefully protesting outside an energy facility to causing intentional damage to critical infrastructure.
- Senate Bill 33 does not restrict or limit anyone’s First Amendment right to free speech or one’s ability to protest peacefully.
- SB 33 expands civil remedies for owners of critical infrastructure facilities against individuals who willfully cause damage to their facilities.
- SB 33 ensures that trespassing and the destruction of infrastructure are criminal offenses under criminal mischief or criminal trespass.

The Bottom Line

- Peacefully protesting is a right which no one seeks to limit.
- However, when individuals engage in intentional conduct to damage infrastructure facilities, they put their lives and the lives of other people at risk.
- SB 33 is about protecting public safety.

Bill History

- 02/12/2019 – Introduced in Senate
- 05/01/2019 – Reported out of Senate Judiciary (8-2)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Ohio Chamber of Commerce• Ohio Chemistry Technology council• Coalition of Ohio	<p>Roxanne Groff, resident of Athens County – OPP</p> <p>Teresa Mills, resident of Franklin County – OPP</p>	<ul style="list-style-type: none">•

<p>Regional Districts</p> <ul style="list-style-type: none"> Ohio Rural Water Association 	<p>Carolyn Harding, resident of Franklin County – OPP</p> <p>Greg Pace, resident of Franklin County – OPP</p> <p>Elaine Tanner, resident of Wayne County - OPP</p> <p>Randy Cunningham, resident of Cleveland – OPP</p> <p>Berry Dilley, resident of Athens County – OPP</p> <p>Christine Hughes, resident of Athens County – OPP</p> <p>Lisa Abele, resident of Jackson County – OPP</p> <p>Nancy Sullivan, resident of Hamilton County – OPP</p> <p>Marjorie Shew, resident of Morgan County – OPP</p> <p>Catherine Froehlich Burkhart, resident of Belmont County – OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Anne Caruso, resident of Cuyahoga County – OPP</p> <p>Donna Goodman, resident of Athens County – OPP</p> <p>Rebecca Lachman – resident of Athens County - OPP (niece of former member Rom Amstutz)</p>	
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	Ruth Hardy – citizen of Ohio – OPP	
	Gilbert Rondy – resident of Athens County – OPP	
	Michelle Ajamian – resident of Athens County – OPP	
	Marguerite Hughes – resident of Athens County – OPP	
	Heather Cantino – resident of Athens County – OPP	
	Rev. Joan VanBecelaere – resident of Franklin County – OPP	
	Katie O’Neill – resident of Cuyahoga County – OPP	
	Charlotte Owens – resident of Fairfield County - OPP	
	Nick Teti, resident of Coshocton County - OPP	
	Randy Cunningham, resident of Cuyahoga County – OPP	
	Katharine Jones, resident of Medina County – OPP	
	Andrea Chu, representing Food and Water Watch and resident of Franklin County – OPP	
	William Lyons, resident of Franklin County – OPP	
	Alison Grant, resident of Cuyahoga County – OPP	
	Jen Miller, Director with the	

	<p>League of Women Voters of Ohio - OPP</p> <p>Cathleen Finn, resident of Cuyahoga County – OPP</p> <p>Eileen McCully, resident of Cuyahoga County – OPP</p> <p>Patrick J. O’Connor, resident of Cuyahoga County – OPP</p> <p>Russ Fenster, resident of Harrison County – OPP</p> <p>Kathy Kerns, resident of Portage County – OPP</p> <p>Eric Fenster, citizen of Ohio – OPP</p> <p>Peggy Gish, resident of Athens County – OPP</p> <p>Ron Prosek, Vice-President of FaCT: Faith Communities Together and resident of Lake County – OPP</p> <p>JD Hohmann, resident of Franklin County – OPP</p> <p>Laura Skidmore, resident of Clark County – OPP</p> <p>Joseph A. Mosyjowski, citizen of Ohio – OPP</p> <p>Drake Chamberlin, resident of Athens County – OPP</p> <p>Ted Auch, Ph.D. – Great Lakes Program Coordinator with The FracTracker Alliance, resident of Cuyahoga County – OPP</p>	
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	<p>Lori Babbey, resident of Trumbull County – OPP</p> <p>Robert Krasen, resident of Franklin County – OPP</p> <p>Matt Kuhns, resident of Cuyahoga County – OPP</p> <p>Elizabeth Stansfield, citizen of Ohio – OPP</p> <p>Leann Leiter, representing Earthworks and citizen of Pennsylvania – OPP</p> <p>Laurie Albright, resident of Cuyahoga County – OPP</p> <p>Peter Gibbons-Ballew, resident of Athens County – OPP</p> <p>Carol Vernon, resident of Athens County – OPP</p> <p>Sylvia Chinn-Levy, resident of Summit County – OPP</p> <p>Donald Finn, resident of Cuyahoga County – OPP</p> <p>Loraine McCosker, resident of Athens County – OPP</p> <p>Robert Maher, resident of Athens County – OPP</p> <p>Kathryn Hanratty, resident of Geauga County – OPP</p> <p>Katie O'Neill, resident of Cuyahoga County – OPP</p> <p>Anastasia Birosh, resident of</p>	
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	<p>Medina County – OPP</p> <p>Linda Kohar, citizen of Ohio - OPP</p> <p>Milena Miller, resident of Athens County – OPP</p> <p>Jay Klemme, resident of Wayne County – OPP</p> <p>Mary Ellen Berger, resident of Franklin County - OPP Leann Leiter, represents Earthworks – OPP</p> <p>Charlie Michelson, resident of Cuyahoga County – OPP</p> <p>Rev. Joan Van Becelaere, resident of Franklin County - OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Sandy Bolzenius, resident of Franklin County – OPP</p> <p>Elise McMath, Citizen - OPP</p> <p>Mageda Merbough-Bangert, resident of Athens County – OPP</p> <p>Rebecca Acheson, resident of Athens County – OPP</p> <p>Thelma Seto, Citizen – OPP</p> <p>Glenn Campbell, resident of Cuyahoga County –OPP</p> <p>Pat Murray, resident of Cuyahoga County – OPP</p>	
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	Andrea Kleinhenz – resident of Cuyahoga County – OPP	
	Craig Kleinhanz – Citizen – OPP	
	Steven Cochran, Citizen – OPP	
	Marcia Wolff, resident of Summit County – OPP	
	Alexa Ross, resident of Athens County - OPP	
	Joe P. Pokladnik, P.E., resident of Tuscarawas County – OPP	
	Randi Pokladnik, Ph.D., resident of Tuscarawas County – OPP	
	Roxanne Groff, resident of Athens County – OPP	
	Anne Sparks, Citizen – OPP	
	Marcia Goldstein, resident of Athens County – OPP	
	Laurine Crowther, resident of Franklin County – OPP	
	Jane Richter, resident of Athens County – OPP	
	Patrick O’Connor, resident of Cuyahoga County – OPP	
	John Schmieding, resident of Athens County – OPP	
	Bob Parker, resident of Cuyahoga County – OPP	

	Jan Nespor, Citizen – OPP	
	Judith Trautman, resident of Lucas County – OPP	
	Madonna Brock, Citizen – OPP	
	Cheryl Johncox, representing the Sierra Club – OPP	
	Buckeye Environmental Network, presenting a petition to committee – OPP	
	Mary Ellen Berger, resident of Franklin County - OPP	
	Patricia Walker, resident of Medina County – OPP	
	Melanie Moynan-Smith, citizen of Ohio – OPP	
	Dianne Bouvier, resident of Athens County – OPP	
	Marsha N., citizen of Ohio – OPP	
	John Nagy, citizen of Ohio – OPP	
	Jeanne Heaton, resident of Athens County – OPP	
	Jim Wachtel, citizen of Ohio – OPP	
	Ann Moneypenny, resident of Athens County – OPP	
	Betsy Haehl, resident of Athens County – OPP	
	Greta Hanesworth, resident of Athens County – OPP	

	Maureen Welch, resident of Medina County – OPP	
	Maggie Kimble, resident of Lake County – OPP	
	Mary Costello, citizen of Ohio – OPP	
	Ivars Balkits, resident of Athens County – OPP	
	Ursula Korneitchouk, citizen of Ohio – OPP	
	Marlene Blatnik-Freeze, resident of Cuyahoga County – OPP	
	Kenneth Freeze, resident of Cuyahoga County – OPP	
	Josefa Soto, resident of Franklin County – OPP	
	Jill Hunkler, resident of Belmont County – OPP	
	Robert A. Kincses, resident of Greene County – OPP	
	Dennis Hunkler, resident of Belmont County – OPP	
	Joan Dowling, resident of Cuyahoga County – OPP	
	Patricia Marida, resident of Franklin County – OPP	
	Andrea Reik, resident of Athens County - OPP	
	Emma Shook, resident of Cuyahoga County – OPP	

	<p>Patrick Hunkler, resident of Licking County – OPP</p> <p>Caty Crabb, resident of Meigs County – OPP</p> <p>Michael Melampy, resident of Cuyahoga County – OPP</p> <p>Robin Lewis, resident of Portage County – OPP</p>	
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Miscellaneous Information

Froehlich, Erin

From: Champlin, Trent
Sent: Thursday, April 18, 2019 3:15 PM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.24.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 24th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 12 submissions total, on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: April 18, 2019

Wednesday, April 24, 2019
9:15 AM
North Hearing Room

AGENDA

S. B. No. 54 Eklund, Williams	Prohibit death penalty if offender seriously mentally ill	1st Hearing, Sponsor
S. B. No. 13 Fedor	Apply same human trafficking offenses to all victims under 18	4th Hearing, (Possible Amendments)
S. B. No. 33 Hoagland	Modify criminal and civil law for critical infrastructure damage	5th Hearing, Opponent/Interested Party/ Please note: In-person testimony will be limited to the first 12 submissions total, on a first-come, first- served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony **electronically** to the Committee Secretary **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

*Possible Vote

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff

*Possible Vote

Kieffer, Ian

From: Champlin, Trent
Sent: Thursday, March 28, 2019 9:52 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.3.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 3rd** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

Kieffer, Ian

From: Cassell, Elizabeth
Sent: Wednesday, April 03, 2019 5:09 PM
To: Cassell, Elizabeth; Champlin, Trent; Millen, Kate; Plahuta, Heather; Hawking, Andrew; Kieffer, Ian; Uxley, Andrew; Landers, Chris; Rossman, Kate; Cozad, Alison; Froehlich, Erin; Probert, Kyle; Wright, Christine; Martine, Laura; Peters, Cindy; DiMenna, Anthony; Shipman, Nathaniel; Griffith, Levi; Burriss, Michaela; Golterman, Chelsea; Strigari, Frank; Parsons, Donn; Stockman, Scott; State Senator John Eklund; State Senator Nathan Manning; State Senator Bill Coley; State Senator Theresa Gavarone; State Senator Peggy Lehner; State Senator Robert McColley; State Senator Matt Huffman; State Senator Cecil Thomas; State Senator Sean O'Brien; State Senator Teresa Fedor
Subject: Additional Handouts in Judiciary Committee
Attachments: 4.3.19 Elaine Tanner's Testimony.pdf; Conservartive-led Anti-Protest Legislation Already Doubled Since Last Year Article.pdf; Talking Points on SB 33.pdf

To: Members of the Senate Judiciary Committee

Please see attached handouts provided by Ms. Elaine Tanner, Program Director with Friends For Environmental Justice, to the committee after she testified.

Many thanks.

Elizabeth M. Cassell
Senior Legislative Aide
Senator John Eklund
Ohio Senate
Phone (614) 644-7718
ecassell@ohiosenate.gov

Talking points on SB 33

1. **Why Does Ohio Need this legislation?** SB 33 is designed to prevent protest activities that have not occurred in Ohio. This bill clearly suppresses 1st amendment rights and our most protected right of political free speech. Protests of the type described in the legislation and in the sponsoring statement of Senator Frank Hoagland have not occurred in Ohio. There have been some blockades of injection wells, but these actions have not involved destruction of property. We find no reason for this law to exist.
 2. **Current laws on trespass, vandalism or arson are adequate to protect property and the catch all of "critical infrastructure facilities."** Anyone trespassing, or committing vandalism, to say nothing of arson fall under current laws in Ohio. Those laws are adequate to discourage such actions, and to penalize those who commit them.
 3. **Senate Bill 33 is a present for the oil and gas companies of Ohio.** Senate Bill 33 is based on model legislation designed by the American Legislative Exchange Council (ALEC) to fight back against protests of oil and gas industry projects such as fracking installations, compressor stations, and pipelines. It is a special piece of legislation designed for a politically favored industry.
 4. **Senate Bill 33 specifically targets those groups that are opposing the oil and gas industry in Ohio.** This can be seen in how many of the sections of the law penalizes organizations that support protests of fracking and injection wells, and pipelines. This is guilt by association. Protests are human events. No one applies or is vetted to receive permission to attend a protest. During a protest, should any charges be brought against an individual or a group the organizations sponsoring or supporting the protest will bear an organization wrecking penalty.
 5. **Senate Bill 33 opens the door for the use of agents provocateurs to wreck groups protesting the oil and gas industry.** As long as there have been protests, there have been agents provocateurs that have infiltrated protests to disrupt, defame and disorganize those protests. Agents provocateurs are usually undercover police, or private security personnel. There is a long a sordid history of them encouraging the naïve or inexperienced to break the law and thus give law enforcement an excuse to repress the protests. Given Senate Bill 33's penalties for organizations sponsoring protests, it is not rocket science to see how this legislation will be a red carpet for agents provocateurs sponsored by the oil and gas companies and their friends in law enforcement.
- OVER PLEASE
6. **Senate Bill 33 does nothing to combat the real perpetrators of trespass, vandalism, arson or to protect the public health of Ohioans.** It does nothing because there are no greater

perpetrators of these offenses than the very industries that the law was written for. Protesters did not tear down the historic house in Morrow County to build the Rover Pipeline. Protesters did not cause the frack fluid spill in Tuscarawas County that destroyed a pristine wetland. Protesters did not ruin farms fields along the route of the Rover Pipeline. Protesters were not at fault in the recent explosions in oil and gas facilities. Protesters have not polluted our streams and aquifers. Protesters have not violated the property rights of property owners along the routes of pipelines. Protesters have not polluted the air around fracking and compressor stations. Protesters have not compromised the regulatory bodies of the State of Ohio with their money and influence.

We want our lawmakers to protect us, the citizens, against the assaults on our communities.

7. **The term “critical infrastructure facility” in SB 33** encompasses an absurd range of facilities, many of which have no obvious connections to one another. These facilities include: (listing of various things like telephone and communications equipment, airports, various manufacturing enterprises, etc. etc.) There is a purpose behind this smorgasbord. The first purpose is to hide the true beneficiaries and sponsors of this legislation in Ohio and around the country, and these are the oil and gas, fracking and pipeline industries. The second purpose is to include such a broad range of facilities, that it will act as an entrapment for any person or organization that is protesting the activities of the gas and oil industries.
8. **SB 33 has a clear target – those persons and organizations opposing the oil and gas industry in Ohio.** When these industries snap their fingers, Ohio jumps. But some of us do not jump, and the purpose of this legislation is to silence those who do not behave as industry wishes. The text and provisions of a law are not the only way that power is deployed. Just as if not more important is the overall atmosphere a law creates that can inhibit the activities of its desired targets. A law that has to fill up the jail cells and courts to enforce its mandate has failed. In Louisiana a law like SB 33 with the same paternity that goes back to ALEC, has terrorized the activist community opposing the Bayou Bridge Pipeline. Activists in Louisiana have reported that people call them up and ask if they attend a meeting or a rally, will they be arrested. This is exactly what the sponsors of SB 33 hope happens. They hope to cast fear over those who do not dance to the tune played by the oil and gas industry in Ohio.

Kieffer, Ian

From: Champlin, Trent
Sent: Friday, April 05, 2019 10:41 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.10.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

Kieffer, Ian

From: Champlin, Trent
Sent: Thursday, April 18, 2019 3:15 PM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice
Attachments: 4.24.19 Senate Judiciary Committee Notice.doc; Judiciary Witness Slip.pdf; Media Slip.pdf

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 24th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 12 submissions total, on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee.**

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: Zack Frymier, Director Energy & Environmental Policy <zfrymier@ohiochamber.com>
Sent: Wednesday, May 01, 2019 10:46 AM
To: State Senator Michael Rulli
Subject: Senate Floor Vote on SB 33



TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



[Unsubscribe sd33@ohiosenate.gov](mailto:sd33@ohiosenate.gov)

[Update Profile](#) | [About our service provider](#)

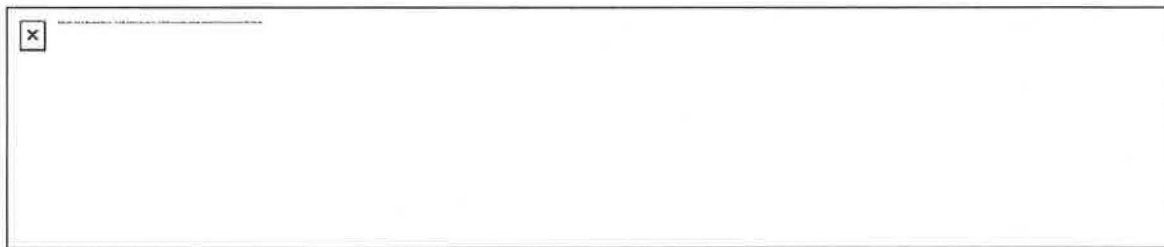
Sent by zfrymier@ohiochamber.com in collaboration with



Try it free today

From: Senate Majority Communications <John.Fortney@OhioSenate.gov>
Sent: Wednesday, May 01, 2019 12:22 PM
To: Kieffer, Ian
Subject: Today in the Ohio Senate

Click [here](#) if you are having trouble viewing this message.



Today in the Ohio Senate

Wednesday, May 1, 2019

The Senate will recognize the following during today's Session:

- **St. Marys Memorial High School Student Athletes:** Senator Rob McColley (R-Napoleon) will recognize the St. Marys Memorial High School Boys and Girls Bowling Teams as the 2019 OHSA Division II State Champions and the Girls Powerlifting Team for winning the state championship in 2019.
- **Archery State Champions:** Senator Stephanie Kunze (R-Hilliard) will recognize Worthington's Bluffsview Elementary School Archery Team for winning the 2019 Ohio National Archery in Schools Program State Tournament.
- **High School Gymnastics Champion:** Senator Jay Hottinger (R-Newark) will recognize senior Sydney Bradley of Sheridan High School for winning the 2019 OHSA Gymnastics All Around title.
- **Recognizing Outstanding Achievement:** Senator John Eklund (R-Munson Township) will recognize the Kent State University's Black United Students organization for outstanding achievement.
- **2018 Dispatcher of the Year:** Senator Theresa Gavarone (R-Bowling Green) will honor Tara Barnhart of the Bowling Green Dispatch Center for being named the 2018 Dispatcher of the Year

by the Ohio State Highway Patrol.

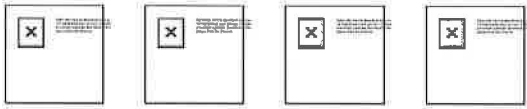
- **High School State Wrestling Champion:** Senator Stephanie Kunze will recognize Seth Shumate of Dublin Coffman High School as the 2019 Division I State Wrestling Champion in the 195-pound weight class.
- **Celebrating Make-A-Wish-Day:** Senator Stephanie Kunze will recognize April 29 as Make-A-Wish-Day in Ohio.

The Senate will consider the following legislation during today's Session:

- **Protecting Critical Infrastructure Against Criminal Acts:** Senate Bill 33, sponsored by Senator Frank Hoagland (R-Mingo Junction), recognizes the essential role critical infrastructure plays in our communities and takes steps to ensure it and public safety are protected.
- **Increasing Awareness of Ohio's Native Plants:** Sponsored by Senator Bob Hackett (R-London), Senate Bill 45 designated the month of April as "Ohio Native Plant Month."
- **Promoting Efficiency and Savings at Ohio's Public Colleges and Universities:** Senate Bill 120, sponsored by Senators Rob McColley (R-Napoleon) and Michael Rulli (R-Salem), eliminates the cap on the number of higher education performance audits that may be authorized by the State Auditor each biennium in order to help more state institutions of higher education find cost-saving benefits and keep college affordable for Ohio's students.
- **Designating Ohio's State Fossil Fish:** Sponsored by Senators Matt Dolan (R-Chagrin Falls) and Nathan Manning (R-North Ridgeville), Senate Bill 123 declares the *Dunkleosteus terrelli* as the state fossil fish. The fossil was discovered during the construction of Ohio's turnpike.

Click [here](#) to view live coverage of today's session provided by The Ohio Channel.

###



MAJORITY CAUCUS MEDIA CONTACT:

John Fortney
Senate Majority Communications
Phone: (614) 995-1280
Email: John.Fortney@OhioSenate.gov

Click [here](#) if you don't wish to receive these messages in the future.

Schafer, Abby

Subject: Ulanda Walters
Location: JKS' Office

Start: Tue 3/19/2019 3:30 PM
End: Tue 3/19/2019 4:00 PM

Recurrence: (none)

Organizer: Schuring, Kirk

Bush, Andrea

From: State Senator Kirk Schuring
Sent: Tuesday, March 19, 2019 12:29 PM
To: 'Elaine Tanner'
Subject: RE: Meet Your Legislator Day March 19th

Hi Elaine,

Just touching base again. Which part of the district is Ulanda from? I think I forgot to ask earlier!

Best,
Andrea

Andrea Bush
Legislative Aide
State Senator Kirk Schuring
(614) 466-0626
Andrea.bush@ohiosenate.gov

From: Elaine Tanner [<mailto:elaine.ffej@gmail.com>]
Sent: Friday, March 15, 2019 5:20 PM
To: State Senator Kirk Schuring
Subject: Re: Meet Your Legislator Day March 19th

Great, thanks! We can confirm
Ulanda Walters for 3:30 on Tuesday.

Thank you,
Elaine Tanner

On Fri, Mar 15, 2019, 5:00 PM State Senator Kirk Schuring <SD29@ohiosenate.gov> wrote:

Elaine,

I just had the chance to talk to Senator Schuring. He said he could take a few minutes to talk to her after caucus which should be around 3:30 or 4.

Best,

Andrea

Andrea Bush

Legislative Aide

State Senator Kirk Schuring

(614) 466-0626

Andrea.bush@ohiosenate.gov

From: Elaine Tanner [mailto:elaine.ffej@gmail.com]

Sent: Friday, March 15, 2019 11:03 AM

To: State Senator Kirk Schuring

Subject: Re: Meet Your Legislator Day March 19th

Thank you!

On Fri, Mar 15, 2019, 10:59 AM State Senator Kirk Schuring <SD29@ohiosenate.gov> wrote:

I will be sure to ask Senator Schuring if he is available the next time I talk with him!

From: Elaine Tanner [mailto:elaine.ffej@gmail.com]

Sent: Friday, March 15, 2019 10:57 AM

To: State Senator Kirk Schuring

Subject: Re: Meet Your Legislator Day March 19th

Thank you. The issue to be addressed is the reoccurring brine issue and then what happens if people disagree and speak out under SB 33.

Ulanda is the only constituent requesting an appointment at this time. Most appointments take less than 15 minutes.

Thank you for your help,

Elaine Tanner

Point Person-scheduler

Meet Your Legislator Day 2019

Call (419) 945-2581

Event contact..

Text or cell (419) 685-0398

On Fri, Mar 15, 2019, 10:39 AM State Senator Kirk Schuring <SD29@ohiosenate.gov> wrote:

Elaine,

Thanks for getting this over to me so quickly! It looks like Senator Schuring will be in Committees most of the afternoon, but I will certainly see if he has time to meet with Ulanda – it may depend on how much business he has in the district that morning. Would she be the only person attending the meeting? Also, are there any issues Ulanda would wish to discuss with the Senator?

Best,

Andrea

Andrea Bush

Legislative Aide

State Senator Kirk Schuring

(614) 466-0626

Andrea.bush@ohiosenate.gov

From: Elaine Tanner [<mailto:elaine.ffej@gmail.com>]

Sent: Friday, March 15, 2019 10:29 AM

To: State Senator Kirk Schuring
Subject: Meet Your Legislator Day March 19th

Hi Andrea,

We have constituent

Ulanda Walters requesting an appointment with Senator Schuring in the afternoon on Tuesday. Thank you for your help.

Elaine Tanner

Point Person-scheduler

Meet Your Legislator Day 2019

Call (419) 945-2581

Event contact..

Text or cell (419) 685-0398

On Mar 15, 2019 10:39 AM, "State Senator Kirk Schuring" <SD29@ohiosenate.gov> wrote:

Elaine,

Thanks for getting this over to me so quickly! It looks like Senator Schuring will be in Committees most of the afternoon, but I will certainly see if has time to meet with Ulanda – it may depend on how much business he has in the district that morning. Would she be the only person attending the meeting? Also, are there any issues Ulanda would wish to discuss with the Senator?

Best,

Andrea

Andrea Bush

Legislative Aide

State Senator Kirk Schuring

(614) 466-0626

Andrea.bush@ohiosenate.gov

From: Elaine Tanner [mailto:elaine.ffej@gmail.com]

Sent: Friday, March 15, 2019 10:29 AM

To: State Senator Kirk Schuring

Subject: Meet Your Legislator Day March 19th

Hi Andrea,

We have constituent

Ulanda Walters requesting an appointment with Senator Schuring in the afternoon on Tuesday. Thank you for your help.

Elaine Tanner

Point Person-scheduler

Meet Your Legislator Day 2019

Call (419) 945-2581

Event contact..

Text or cell (419) 685-0398

Bush, Andrea

From: Ruthcullum4@gmail.com
Sent: Monday, April 08, 2019 8:58 AM
To: State Senator Kirk Schuring
Subject: I want to recognize someone for an outstanding achievement or milestone.

First Name : Ruth

Last Name : Cullum

Address : 13256 PRICE ST NE

City : ALLIANCE

State : OH

Zip : 44601

Phone : (330) 605-3068

Email : Ruthcullum4@gmail.com

Subject :

I want to recognize someone for an outstanding achievement or milestone.

Message :

I need you to vote NO on senate bill 33. The rights and freedoms I have must be protected by you.

Bush, Andrea

From: Ted Auch <lsarpp@gmail.com>
Sent: Monday, April 08, 2019 3:37 PM
To: State Senator John Eklund
Cc: State Senator Andrew Brenner; State Senator Dave Burke; State Senator Bill Coley; State Senator Matt Dolan; State Senator Theresa Gavarone; State Senator Bob Hackett; State Senator Brian Hill; State Senator Frank Hoagland; State Senator Jay Hottinger; State Senator Matt Huffman; State Senator Stephen Huffman; State Senator Stephanie Kunze; State Senator Peggy Lehner; State Senator Nathan Manning; State Senator Robert McColley; State Senator Larry Obhof; State Senator Bob Peterson; State Senator Kristina Roegner; State Senator Michael Rulli; State Senator Kirk Schuring; State Senator Lou Terhar; State Senator Joe Uecker; State Senator Steve Wilson; State Senator Nickie Antonio; State Senator Hearcel Craig; State Senator Teresa Fedor; State Senator Tina Maharath; State Senator Sean O'Brien; State Senator Vernon Sykes; State Senator Cecil Thomas; State Senator Sandra Williams; State Senator Kenny Yuko
Subject: Auch SB 33 written testimony submission
Attachments: Auch_SB33_Written_Testimony_4_8_2019.pdf

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely
Ted Auch

--

Ted Auch | Ph.D.

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"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

To: Members of the Senate Judiciary Committee and Committee Chair Senator John Eklund

Subject: S.B. No. 33, Hoagland, "Modify criminal and civil law for critical infrastructure damage"

Date: 4/8/2019

At a time when the democratic process, freedom of speech, and freedom of assembly are under attack, while corporations continue to accrue power and influence in state houses and Washington, the President of the United States himself calling the press the "ENEMY OF THE PEOPLE", and "think tanks" funded by the Kochs and Mercers construct bills aimed at further privatizing profit and socializing environmental and economic costs it is stunning to me that Senator Hoagland continues to advocate for this horrendous bill that he and his staff are simply acting as a conduit for even though his last push in the lame duck last Fall failed miserably. This bill is straight from the playbook of the American Legislative Exchange Council (ALEC) who's primary benefactor just so happens to be the aforementioned Koch Brothers. As Okbazghi Yohannes wrote in his book "The Biofuels Deception: Going Hungry on the Green Carbon Diet":

*"Operating in over sixty countries with about 100,000 workers, Koch Industries controls four oil refineries, six ethanol plants, a natural gas-fired power plant, and 4,000 miles of pipeline within the **United States**...The Koch Industries are major polluters, ranking Third among the thirty worst polluters...after Exxon and [AEP]...In 2012, Koch Industries was singled out to be the number-one producer of toxic waste in the United States, producing 950 million pounds of toxic chemical waste."*

Frankly it is cowardice of Senator Hoagland to let himself be used by ALEC and/or the Kochs for their own profiteering while simultaneously putting a chill on freedom of speech and assembly. To be honest bills like SB 33 tell Ohioans that our Republican lead Senate, with the tacit approval of people like my Democratic Senator Sandra Williams, has farmed out the authorship and intellectual foundations of Ohio's bills to a think tank that only has the interests of large multinationals, and more specifically the Hydrocarbon Industrial Complex in mind.

It is no coincidence that this legislation comes in the aftermath of the Dakota Access Pipeline protests and as Ohio, West Virginia, and Pennsylvania advocate for the Appalachian Storage Hub (ASH) that has further exposed that fact that the "Shale Revolution" that came into Ohio under the guise of "energy independence" was nothing more than a tried and true way of appealing to Appalachian patriotism. You don't need to take my word for it because this sentiment was confirmed for me in a phone conversation I had with Senator Hoagland's primary advisor on this bill Aaron Dauterman who invoked the ASH without my prompting twice during our roughly 15 minute conversation last Fall when the bill went by the name of SB 250. As this ASH and associated upstream developments bare down on Appalachian Ohio elected officials like Senator Hoagland, and this committee, should be working on bills that expand both the scale and scope of tools available to the citizenry if they feel the need to voice their concerns about what this storage hub will mean for their communities and their environment. Not only is this bill coming at the exact wrong time for Appalachian Ohioans but it is also not necessary and redundant, which begs the question why now? The vagueness of this bill is intentional and leaves plenty of room for authorities and corporations to prevent, by way of implied and real penalties, all but the most ardent

of supporters and/or objectors to any given existing or proposed piece of “critical infrastructure” from speaking out. This type of legislation will further cleave this state along demographic and rural vs. urban lines and will put the very constituents Senator Hoagland and this committee were sent to Columbus to protect in harms way.

The real goal of the unconventional oil and gas industry is beginning to be revealed and it speaks to a coordinated effort to extract resources from Appalachia, transport those valuable resources to the costs, and getting the gas and NGLs out on the global market where profits can be maximized. It is no coincidence then that “56 bills that would restrict people’s right to peaceful assembly have been introduced in 30 states since the 2016 election [and Dakota Access Pipeline Standoff].”

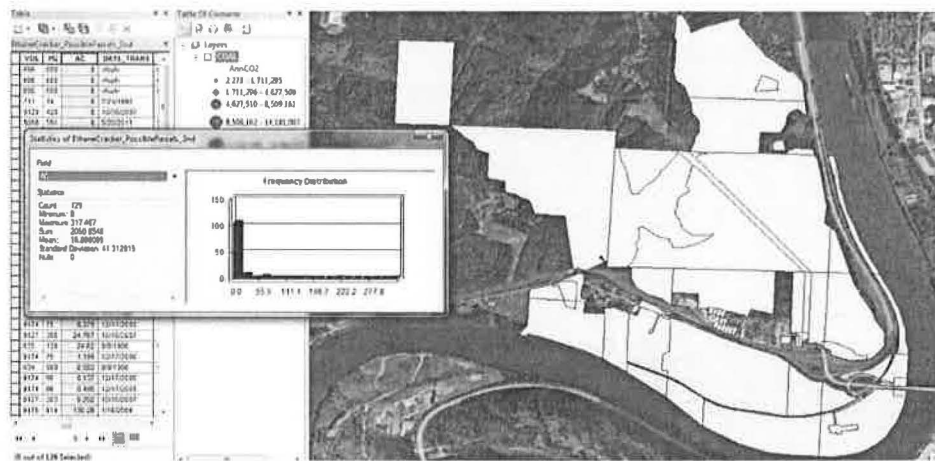
It is quite refreshing that this bill doesn’t really hide that it is targeting opposition to fossil fuel related infrastructure given that this extremely broad definition itemizes > 70 pieces of infrastructure from wastewater treatment and well pads to ports and pipelines, which means that 50% of the infrastructure outlined is contained within the oil, gas, or derivatives ecosystem holistically defined. There are >8,000 pieces of such infrastructure across the countries and at least 308 in Ohio alone (Figure 1).

Figure 1. Critical Infrastructure map of the United States and Ohio weighted by CO₂ emissions.



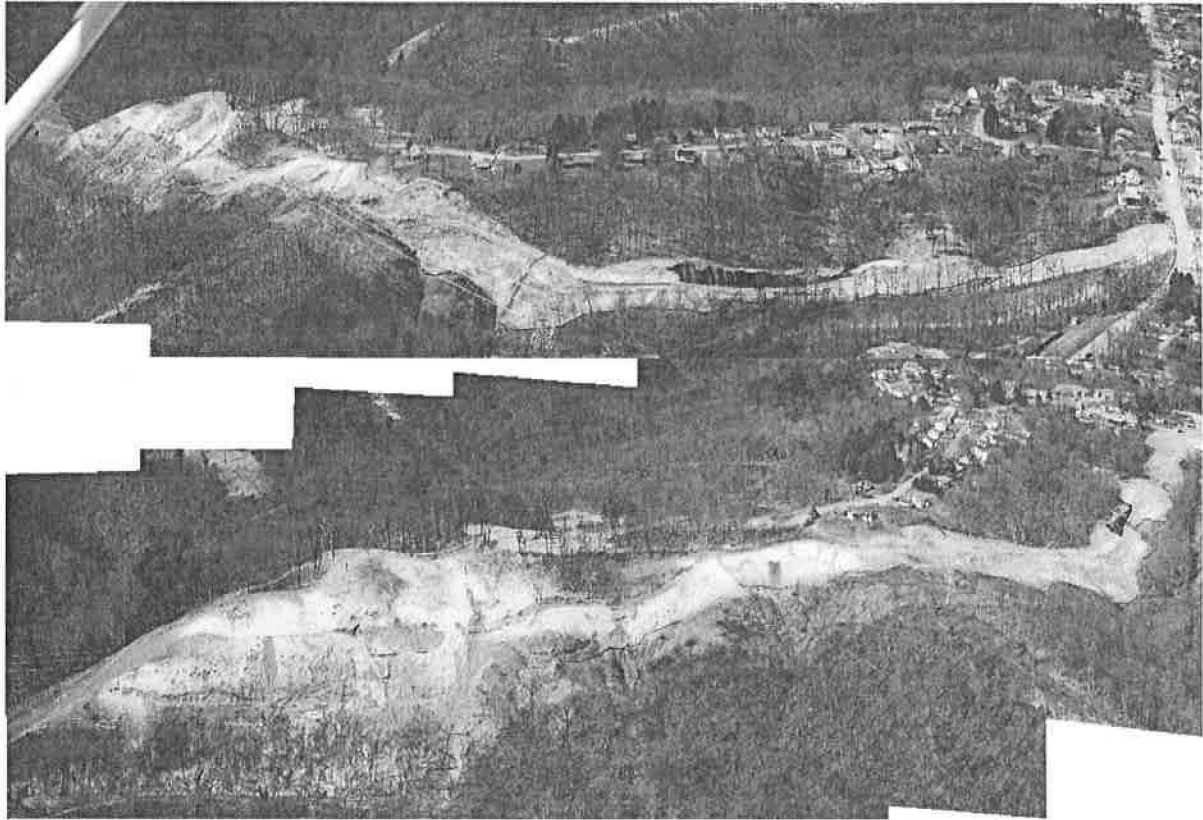
However, as I already mentioned the Appalachian Storage Hub is fueling new proposals by the month, whether it is Marathon’s proposed underground NGL storage facility in Hopedale or its completion of its Rio Pipeline expansion aimed at moving Utica NGLs from Lima, Ohio, to Robinson, Illinois. The primary foci of this bill seem to be the types of mega infrastructure being proposed right in Senator Hoagland’s backyard with the largest example being the PTT Cracker that seems a *fait accompli* at this point even though countless residents have voiced their opposition or at the very least deep skepticism as to the benefits of such a project (Figure 2).

Figure 2. A rough sketch of the parcels identified as suitable for the Dilles Bottom/Shadyside cracker proposed by PTT.



Both the opposition and deep skepticism are based in the fact that many have taken a trip north to Beaver County, Pennsylvania and seen what such a site would look like as Shell continues to construct it's cracker plant on the banks of the Ohio River adjacent to I-376. This opposition and deep skepticism would likely fall under the guidance of Senator Hoagland and ALEC's SB 33 and would disappear for fear of being charged with a felony. How is it possible that voicing concern as to the operation of existing infrastructure or proposed projects like the following could in any way be construed as impeding or inhibiting operations when it is the mandate of the citizenry to speak out when they feel the hard questions aren't being asked or the interests of business are coming at the expense of them and their children:

- 1) the Energy Transfer Partners pipeline that exploded in Center Township, PA last September nearly incinerating an entire neighborhood (See image below taken just last week 4/2/2019)



2) well pads like XTO's that exploded last year in Powhatan Point also within or close to Senator Hoagland's district (See link below to YouTube footage from Ohio State Trooper's helicopter)

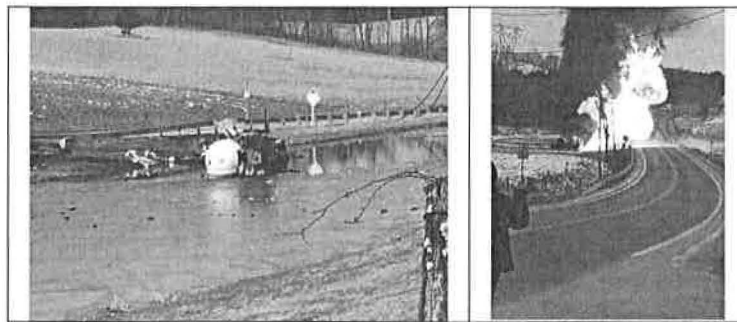
<https://www.youtube.com/watch?v=D0F450ESHP8&t=26s>

3) Tallgrass's pipeline explosion in Noble County in January of 2018 or the more recent explosion in the same county of a pipeline operated by Texas Eastern Transmission (See below photo taken by neighbor immediately after this explosion happened)



4) the Leach Express pipeline explosion across the river in West Virginia

5) Explosions like this propane tanker on State Route 332 coming from the Scio processing plant just over 10 miles away in Carrollton (Note: The Scio processing plant and "Critical Infrastructure" like it are hotspots for these kinds of incidents and unfortunately if this bill passes objections to future such infrastructure proposals will be suppressed or possibly criminalized)



When Senators like Hoagland, Coley, Huffman, Maharath, Peterson, Rulli, Terhar, and Wilson proposed bills like SB 33 it forces us to question where their allegiances lie? Are they truly concerned as to the welfare of their constituents and The Buckeye State writ large or are they furthering a long march towards complete corporate capture of statehouses, law enforcement, the prison system, and the very democracy they claim to pledge an allegiance to? This bill would put Hoagland and its co-sponsors on the side of corporate America and the globalists we so often here condemned in conservative circles and

would further cement the powers granted by way of Citizens United, Buckley v. Valeo, and McCutcheon v. FEC. Those are rulings, and SB 33 is a bill, that would put the welfare of Appalachia in the crosshairs of major multinational fossil fuel interested that will not let anything stand in their way during good times but in times like those that would follow the passing of SB 33 they would not even have to crush the opposition to their machinations because there wouldn't be any NOT because there actually isn't any opposition but because everyone will be too afraid to say their peace for fear of retribution and/or prison.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter E. Auch'.

Walter E. "Ted" Auch PhD

3272 Enderby Road

Shaker Heights, Ohio, 44120

802-343-6771, lsarpp@gmail.com

Bush, Andrea

From: Stacy Jackson <info@email.actionnetwork.org>
Sent: Tuesday, April 09, 2019 2:21 PM
To: State Senator Kirk Schuring
Subject: SB 33

Kirk Schuring,

As your constituent I strongly urge you to oppose SB 33.

While SB 33 purportedly deals with sabotage of critical infrastructure this overbroad bill could be used to impose hefty criminal penalties on nonviolent, peaceful protesters. SB 33 is designed to chill speech.

Please stand up for free speech for Ohioans by opposing SB 33.

Stacy Jackson
stacy414@yahoo.com
4215 Homeland
Louisville, Ohio 44641

Bush, Andrea

From: Ruthcullum4@gmail.com
Sent: Wednesday, May 01, 2019 8:48 AM
To: State Senator Kirk Schuring
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Ruth

Last Name : Cullum

Address : 13256 PRICE ST NE

City : ALLIANCE

State : OH

Zip : 44601

Phone : (330) 605-3068

Email : Ruthcullum4@gmail.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
I need you to vote NO on senate bill 33. The rights and freedoms I have must be protected by you.



POLICY MEMO FOR:

SB 33

“PROTECTING OHIO’S CRITICAL INFRASTRUCTURE”

Updated May 1, 2019 to reflect the bill's latest status:

AS PASSED BY THE SENATE

Sponsor(s)

Hoagland

Cosponsor(s)

Coley, Huffman, Maharath, Peterson, Rulli, Terhar, Wilson

What to Know

- Recently, protestors have crossed the line from peacefully protesting outside an energy facility to causing intentional damage to critical infrastructure.
- Senate Bill 33 does not restrict or limit anyone’s First Amendment right to free speech or one’s ability to protest peacefully.
- SB 33 expands civil remedies for owners of critical infrastructure facilities against individuals who willfully cause damage to their facilities.
- SB 33 ensures that trespassing and the destruction of infrastructure are criminal offenses under criminal mischief or criminal trespass.

The Bottom Line

- Peacefully protesting is a right which no one seeks to limit.
- However, when individuals engage in intentional conduct to damage infrastructure facilities, they put their lives and the lives of other people at risk.
- SB 33 is about protecting public safety.

Bill History

- 02/12/2019 – Introduced in Senate
- 05/01/2019 – Reported out of Senate Judiciary (8-2)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Ohio Chamber of Commerce• Ohio Chemistry Technology council• Coalition of Ohio	<p>Roxanne Groff, resident of Athens County – OPP</p> <p>Teresa Mills, resident of Franklin County – OPP</p>	<ul style="list-style-type: none">•

<p>Regional Districts</p> <ul style="list-style-type: none"> Ohio Rural Water Association 	<p>Carolyn Harding, resident of Franklin County – OPP</p> <p>Greg Pace, resident of Franklin County – OPP</p> <p>Elaine Tanner, resident of Wayne County - OPP</p> <p>Randy Cunningham, resident of Cleveland – OPP</p> <p>Berry Dilley, resident of Athens County – OPP</p> <p>Christine Hughes, resident of Athens County – OPP</p> <p>Lisa Abele, resident of Jackson County – OPP</p> <p>Nancy Sullivan, resident of Hamilton County – OPP</p> <p>Marjorie Shew, resident of Morgan County – OPP</p> <p>Catherine Froehlich Burkhart, resident of Belmont County – OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Anne Caruso, resident of Cuyahoga County – OPP</p> <p>Donna Goodman, resident of Athens County – OPP</p> <p>Rebecca Lachman – resident of Athens County - OPP (niece of former member Rom Amstutz)</p>	
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	Ruth Hardy – citizen of Ohio – OPP	
	Gilbert Rondy – resident of Athens County – OPP	
	Michelle Ajamian – resident of Athens County – OPP	
	Marguerite Hughes – resident of Athens County – OPP	
	Heather Cantino – resident of Athens County – OPP	
	Rev. Joan VanBecelaere – resident of Franklin Country – OPP	
	Katie O’Neill – resident of Cuyahoga County – OPP	
	Charlotte Owens – resident of Fairfield County - OPP	
	Nick Teti, resident of Coshocton County - OPP	
	Randy Cunningham, resident of Cuyahoga County – OPP	
	Katharine Jones, resident of Medina County – OPP	
	Andrea Chu, representing Food and Water Watch and resident of Franklin County – OPP	
	William Lyons, resident of Franklin County – OPP	
	Alison Grant, resident of Cuyahoga County – OPP	
	Jen Miller, Director with the	

	<p>League of Women Voters of Ohio - OPP</p> <p>Cathleen Finn, resident of Cuyahoga County – OPP</p> <p>Eileen McCully, resident of Cuyahoga County – OPP</p> <p>Patrick J. O'Connor, resident of Cuyahoga County – OPP</p> <p>Russ Fenster, resident of Harrison County – OPP</p> <p>Kathy Kerns, resident of Portage County – OPP</p> <p>Eric Fenster, citizen of Ohio – OPP</p> <p>Peggy Gish, resident of Athens County – OPP</p> <p>Ron Prosek, Vice-President of FaCT: Faith Communities Together and resident of Lake County – OPP</p> <p>JD Hohmann, resident of Franklin County – OPP</p> <p>Laura Skidmore, resident of Clark County – OPP</p> <p>Joseph A. Mosyjowski, citizen of Ohio – OPP</p> <p>Drake Chamberlin, resident of Athens County – OPP</p> <p>Ted Auch, Ph.D. – Great Lakes Program Coordinator with The FracTracker Alliance, resident of Cuyahoga County – OPP</p>	
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	Lori Babbey, resident of Trumbull County – OPP	
	Robert Krasen, resident of Franklin County – OPP	
	Matt Kuhns, resident of Cuyahoga County – OPP	
	Elizabeth Stansfield, citizen of Ohio – OPP	
	Leann Leiter, representing Earthworks and citizen of Pennsylvania – OPP	
	Laurie Albright, resident of Cuyahoga County – OPP	
	Peter Gibbons-Ballew, resident of Athens County – OPP	
	Carol Vernon, resident of Athens County – OPP	
	Sylvia Chinn-Levy, resident of Summit County – OPP	
	Donald Finn, resident of Cuyahoga County – OPP	
	Loraine McCosker, resident of Athens County – OPP	
	Robert Maher, resident of Athens County – OPP	
	Kathryn Hanratty, resident of Geauga County – OPP	
	Katie O'Neill, resident of Cuyahoga County – OPP	
	Anastasia Birosh, resident of	

	<p>Medina County – OPP</p> <p>Linda Kohar, citizen of Ohio - OPP</p> <p>Milena Miller, resident of Athens County – OPP</p> <p>Jay Klemme, resident of Wayne County – OPP</p> <p>Mary Ellen Berger, resident of Franklin County - OPP Leann Leiter, represents Earthworks – OPP</p> <p>Charlie Michelson, resident of Cuyahoga County – OPP</p> <p>Rev. Joan Van Becelaere, resident of Franklin County - OPP</p> <p>Kimberly Mann, resident of Cuyahoga County – OPP</p> <p>Sandy Bolzenius, resident of Franklin County – OPP</p> <p>Elise McMath, Citizen - OPP</p> <p>Mageda Merbough-Bangert, resident of Athens County – OPP</p> <p>Rebecca Acheson, resident of Athens County – OPP</p> <p>Thelma Seto, Citizen – OPP</p> <p>Glenn Campbell, resident of Cuyahoga County –OPP</p> <p>Pat Murray, resident of Cuyahoga County – OPP</p>	
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	Andrea Kleinhenz – resident of Cuyahoga County – OPP	
	Craig Kleinhanz – Citizen – OPP	
	Steven Cochran, Citizen – OPP	
	Marcia Wolff, resident of Summit County – OPP	
	Alexa Ross, resident of Athens County - OPP	
	Joe P. Pokladnik, P.E., resident of Tuscarawas County – OPP	
	Randi Pokladnik, Ph.D., resident of Tuscarawas County – OPP	
	Roxanne Groff, resident of Athens County – OPP	
	Anne Sparks, Citizen – OPP	
	Marcia Goldstein, resident of Athens County – OPP	
	Laurine Crowther, resident of Franklin County – OPP	
	Jane Richter, resident of Athens County – OPP	
	Patrick O'Connor, resident of Cuyahoga County – OPP	
	John Schmieding, resident of Athens County – OPP	
	Bob Parker, resident of Cuyahoga County – OPP	

	Jan Nespor, Citizen – OPP	
	Judith Trautman, resident of Lucas County – OPP	
	Madonna Brock, Citizen – OPP	
	Cheryl Johncox, representing the Sierra Club – OPP	
	Buckeye Environmental Network, presenting a petition to committee – OPP	
	Mary Ellen Berger, resident of Franklin County - OPP	
	Patricia Walker, resident of Medina County – OPP	
	Melanie Moynan-Smith, citizen of Ohio – OPP	
	Dianne Bouvier, resident of Athens County – OPP	
	Marsha N., citizen of Ohio – OPP	
	John Nagy, citizen of Ohio – OPP	
	Jeanne Heaton, resident of Athens County – OPP	
	Jim Wachtel, citizen of Ohio – OPP	
	Ann Moneypenny, resident of Athens County – OPP	
	Betsy Haehl, resident of Athens County – OPP	
	Greta Hanesworth, resident of Athens County – OPP	

	Maureen Welch, resident of Medina County – OPP	
	Maggie Kimble, resident of Lake County – OPP	
	Mary Costello, citizen of Ohio – OPP	
	Ivars Balkits, resident of Athens County – OPP	
	Ursula Korneitchouk, citizen of Ohio – OPP	
	Marlene Blatnik-Freeze, resident of Cuyahoga County – OPP	
	Kenneth Freeze, resident of Cuyahoga County – OPP	
	Josefa Soto, resident of Franklin County – OPP	
	Jill Hunkler, resident of Belmont County – OPP	
	Robert A. Kincses, resident of Greene County – OPP	
	Dennis Hunkler, resident of Belmont County – OPP	
	Joan Dowling, resident of Cuyahoga County – OPP	
	Patricia Marida, resident of Franklin County – OPP	
	Andrea Reik, resident of Athens County - OPP	
	Emma Shook, resident of Cuyahoga County – OPP	

	<p>Patrick Hunkler, resident of Licking County – OPP</p> <p>Caty Crabb, resident of Meigs County – OPP</p> <p>Michael Melampy, resident of Cuyahoga County – OPP</p> <p>Robin Lewis, resident of Portage County – OPP</p>	
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Miscellaneous Information

Cassell, Elizabeth

Subject: EKLUND--JUDICIARY COMMITTEE
Location: NORTH HEARING ROOM

Start: Wed 2/20/2019 9:30 AM
End: Wed 2/20/2019 10:30 AM

Recurrence: (none)

Organizer: State Senator John Eklund

SB 21 (DOLAN) ALLOW CORPORATION TO BECOME BENEFIT CORPORATION – 2ND HEARING, PROPONENT, OPPONENT, INTERESTED PARTY (POSSIBLE VOTE)

SB 5 (KUNZE, DOLAN) CHANGE PENALTIES FOR PROMOTING PROSTITUTION – 1ST HEARING, SPONSOR

SB 16 (WILLIAMS) INSTRUCT ON PROPER INTERACTION BETWEEN DRIVER AND POLICE – 1ST HEARING, SPONSOR (PENDING REFERRAL)

SB 33 (HOAGLAND) MODIFY CRIMINAL AND CIVIL LAW FOR CRITICAL INFRASTRUCTURE DAMAGE – 1ST HEARING, SPONSOR (PENDING REFERRAL)



SENATE JUDICIARY COMMITTEE NOTICE

To: Members of the Senate Judiciary Committee
From: John Eklund, Chair
Date: February 14, 2019

Wednesday, February 20, 2019
9:30 AM
North Hearing Room

AGENDA

S. B. No. 21* Dolan	Allow corporation to become benefit corporation	2nd Hearing, Proponent/Opponent/ Interested Party
S. B. No. 5 Kunze, Dolan	Change penalties for promoting prostitution	1st Hearing, Sponsor
S. B. No. 16 Williams	Instruct on proper interaction between driver and police	1st Hearing (Pending Referral), Sponsor
S. B. No. 33 Hoagland	Modify criminal and civil law for critical infrastructure damage	1st Hearing (Pending Referral), Sponsor

NOTE: Amendments must be submitted to the committee Chairman's office no later than 12:00 p.m. on the Monday before committee. All witnesses are asked to prepare and submit testimony **electronically** to the Committee Secretary **no later than 24 hours before committee.**

cc: Senate Clerk, House Clerk, Press Room, Sgt-At-Arms, Interested Parties, LSC Staff



JOHN EKLUND
STATE SENATOR, 18TH DISTRICT
Senate Building
Columbus, Ohio 43215
Phone: 614 644 7718
Eklund@ohiosenate.gov

**Ohio Senate
Judiciary Committee
Minutes
February 20, 2019
133rd General Assembly**

The Senate Judiciary Committee was called to order pursuant to the meeting notice at 9:32AM in the North Hearing Room.

Attendance was taken. A quorum was present and the minutes from the previous meeting were approved.

The Chair first called up **Senate Bill 21** for its second hearing. The following testimony was provided:

Jeffrey Wahl, Chairman of the Benefit Corporation Subcommittee of the Corporation Law Committee with the Ohio State Bar Association (Testimony given by Todd Book, Director of Policy and Government Relations with the OSBA) - Proponent (Written Testimony)

Fred Brothers, CEO of Fortuity Calling - Proponent (Written Testimony)

Paul Proffitt, Founder and Chair of SunDown Group - Proponent (Written-Only)

Keith Lake, Vice President of Government Affairs with the Ohio Chamber of Commerce - Proponent (Written-Only)

The Chair then called up **Senate Bill 5** for its first hearing. The following testimony was provided:

Senators Stephanie Kunze and Matt Dolan - Sponsor (Written Testimony)

Next the Chair called up **Senate Bill 16** for its first hearing. The following testimony was provided:

Senator Sandra Williams - Sponsor (Written Testimony)

The Chair then called up **Senate Bill 33** for its first hearing. The following testimony was provided:

Senator Frank Hoagland - Sponsor (Written Testimony)

The committee adjourned at 10:24AM.

John Eklund, Chair



FRANK HOAGLAND

STATE SENATOR, 30TH DISTRICT

1 Capitol Square, Rm. 134, Columbus, Ohio 43215

Sponsor Testimony RE: Senate Bill 33

Chairman Eklund, Ranking Minority Member Thomas, and Members of the Senate Judiciary Committee, thank you for allowing me to present sponsor testimony on SB 33. SB 33 which could be dubbed the "Ohio Critical Infrastructure Protection Act" is written to provide much needed safeguards for our state's critical infrastructure.

In the past several years, there has been a heightened focus on critical infrastructure. This increased focus has produced both positive and negative outcomes. On the positive side, people are beginning to see how critical infrastructure safely delivers products that are essential to modern life. On the negative side, some people and organizations are going beyond peaceful protest and are targeting these facilities and putting the facilities, workers, and end users at risk in an attempt to make a statement. There have been numerous incidents in which individuals and groups have attempted to disrupt operations at facilities and/or damage critical infrastructure in the name of "protest." For example, there have been a number of reports of tampering with valves and controls at pipeline facilities. This may sound like a minor act, but activating valves can create extremely dangerous situations along the route of a pipeline and puts others in unnecessary jeopardy. Another example being construction equipment on a pipeline site being intentionally set ablaze. The facilities that are often the target of such actions provide essential

COMMITTEES:

Agriculture & Natural Resources – Chair
Energy and Public Utilities
Local Government, Public Safety & Veterans Affairs
Transportation, Commerce & Workforce
Government Oversight & Reform

CONTACT INFORMATION:

OFFICE: 614-466-6508
EMAIL: Hoagland@OhioSenate.gov
www.OhioSenate.gov/Hoagland

No fracking on public lands! No fracking on stolen lands! No fracking anywhere! No fracking on public lands! No fracking on stolen lands! No fracking anywhere! No fracking on public lands! No fracking on stolen lands! No fracking anywhere!

2017 Action Camp

RESIST IN THE WAYNE!

May 19th – 22nd

hosted by Appalachia Resist!
in Monroe County, OH

Workshops to include:

- anti-oppression
- strategic direct action training
- climb training/treesitting
- environmental justice
- facilitation training
- tech skills
- pipeline resistance
- legal matters/know your rights

to RSVP or ask Qs, email:
appalachiaresist@gmail.com

Directions to site, updates, and other details will be emailed after you RSVP.

Childcare and food provided

Please tell us how to make you welcome



Cassell, Elizabeth

From: Cassell, Elizabeth
Sent: Wednesday, May 01, 2019 11:00 AM
To: Loccisano, Giovanna
Subject: Committee Vote

Hi Giovanna –

The vote was 8-2 (Thomas and Fedor). Now onto the floor. ☺

Elizabeth M. Cassell
Senior Legislative Aide
Senator John Eklund
Ohio Senate
Phone (614) 644-7718
ecassell@ohiosenate.gov

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE:
OL USA 3/2017

27 March 2017

Dear Mr. Allegra,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 25/2 and 32/32.

In this connection, we would like to bring to the attention of your Government information we have received concerning **a number of proposed Bills criminalizing peaceful protests in 16 states in the United States of America (USA), representing a worrying trend that could result in a detrimental impact on the rights to freedom of peaceful assembly and freedom of expression in the country.**

According to information received:

Between 26 May 2015 and 23 February 2017, draft legislation was presented in 16 US states that, if passed into law, would severely infringe upon the exercise of the rights to freedom of expression and freedom of peaceful assembly in ways that are incompatible with US obligations under international human rights law.

In this regard, we wish to submit the following comments on some of the aspects of the draft laws.

1. Presentation of the Bills

A. Pending Bills

Arkansas

Senate Bill 550 was introduced on 2 March 2017. The proposed Bill would create the offense of “unlawful mass picketing”. The Bill defines “mass picketing” as “the assembly of persons in the use of pickets or demonstrations at or near a business, school, or private facility. A person would be guilty of unlawful mass picketing if she or he: “knowingly engages in picketing obstructs access by the mass picketing to the pursuit of lawful work or employment; or obstructs the entrance to or egress from a place of free use of public roads, streets, highways, railways, airports, or other rights of way of travel or conveyance, or engages in mass picketing at a private residence that obstructs the entrance to or exit from the private residence; or includes a threat of violence or intimidation communicated near or contiguous to the private residence”.

The Bill expressly excludes any individual “who is validly exercising his or her rights as guaranteed by the United States Constitution or the Arkansas Constitution” from its ambit. The Commission of unlawful mass picketing would constitute a Class A misdemeanor, punishable by up to one year in prison, a fine not to exceed \$2,500, or both.

We are concerned that considering some picketing “unlawful” could result in hindering the right of individuals to assemble. If enacted, this Bill would further increase criminalization of picketing discretionally considered “unlawful”.

Colorado

Senate Bill No. 17-035 was introduced on 11 January 2017. According to the Bill, “Although there is a crime for tampering with equipment associated with oil or gas gathering operations, people continue to break into enclosed areas, break locks, and adjust valves on oil or gas gathering equipment”. The Bill would therefore propose that “obstructing or tampering with oil and gas equipment” entail a harsher penalty, being reclassified from a misdemeanour to a “Class 6” felony (section 2), a category of crime that can be punished by up to 18 months in prison and a fine of up to \$100,000.

In addition, the Bill also provides that oil and gas firms (or “any other victim”) may pursue separate claims against a protester who is also being prosecuted by the State.

The definition of “tampering with equipment associated with oil or gas gathering operations” is explained as “Any person who in any manner knowingly destroys, breaks, removes, or otherwise tampers with or attempts to destroy, break, remove, or otherwise tamper with any equipment associated with oil or gas gathering operations”. This vague

definition could be interpreted very broadly, therefore encompassing a wide range of situations, such as a peaceful protest near the concerned area, which could be construed as going in and tampering with equipment. The bill could consequently deter protestors from assembling freely, especially in contexts of environmental protests.

The bill was reportedly proposed to prevent activists from shutting off pipelines, as part of a national pattern of increased repression of this form of political dissent. We are concerned at the Bill's imposition of much harsher penalty for environmental protesters, the possibility to pursue separate claims against a protester, as well as that the Bill's broad language which includes anyone who "attempts to alter, obstruct, interrupt, or interfere with the action of any equipment used or associated with oil or gas gathering operations". We are concerned that these elements of the Bill could severely restrict freedom of assembly in protests involving such equipment, generally focus on environmental rights.

We are finally concerned that this Bill is introduced in a context of strong controversies in the State of Colorado over the question of oil and gas extraction. In recent years, many demonstrations have taken place to support civil disobedience actions against drilling methods that reportedly are environmentally harmful.

Florida

Senate Bill No.1096 was introduced on 21 February 2017. The Bill provides that "A person may not obstruct or interfere with the regular flow of vehicular traffic on a public road, street, or highway during a protest or demonstration for which a public assembly permit or other applicable special event permit has not been issued by a county or municipality". The penalty for obstructing traffic amounts to a second degree misdemeanour, punishable by up to 60 days in prison and a \$500 fine.

The Bill further provides that "a motor vehicle operator who unintentionally causes injury or death" to a protestor interfering with traffic during an unpermitted protest "is not liable for such injury or death".

We are concerned that this Bill would disproportionately criminalize protestors for non-authorized protests, deterring individuals to hold peaceful protests.

We are seriously concerned at the provision lifting the liability of individuals who cause death or injuries to protestors in situations of non-authorized protests. If adopted, this Bill would have a chilling effect on protestors, leading to restrictions of the rights to peaceful assembly and expression.

Georgia

Senate Bill No. 160 was introduced on 10 February 2017 and approved by the Senate on 24 February 2017. The Bill was transferred to the other chamber and is now at

the stage of the second reading (since 28 February 2017). The Bill would increase the penalties for intentionally or recklessly blocking “any highway, street, sidewalk, or other passage.” Accordingly, protesters and demonstrators obstructing a public sidewalk could be charged with a misdemeanour of a “high and aggravated nature”, subject to a fine of up to \$5,000 or up to one year in prison.

We are concerned about the fact that a sanction could be imposed for intentionally blocking the traffic as well as the severity of the sanction that is largely disproportionate to the aim to be attained.

Indiana

Senate Bill No. 285 was introduced on 9 January 2017. The Bill defines as “mass traffic obstruction” “an incident in which, as part of or as a result of a protest, riot or other assembly, at least ten persons obstruct vehicular traffic (...)”.

The Bill provides that public officials (mayor, town board or sheriff) must, within 15 minutes of learning of a mass traffic obstruction, dispatch all available law enforcement with directions to “use any means necessary to clear the roads of the persons unlawfully obstructing vehicular traffic”.

We are concerned that the Bill poses a very narrow definition of what is a “mass traffic obstruction” by considering that an obstruction of traffic by only ten persons could be considered as such.

Furthermore, “use any means necessary” would further allow law enforcement officials broad discretion in the means used to break up public assemblies. This would entail that almost any assembly that is interpreted as “obstructing vehicular traffic” would be forbidden or repressed with, potentially, excessive use of force.

Iowa

Bill Senate File No. 111 was introduced on 19 January 2017. It provides that a person who “intentionally block the traffic on certain highways” “commits a class “D” felony, which is punishable by “no more than five years in prison and a fine of at least \$750 but not to exceed \$7,500”.

We are concerned that a sanction could be imposed for “intentionally blocking the traffic” as well as the severity of the sanction that is largely disproportionate to the aim to be attained.

We are additionally concerned over the fact that the Bill was reportedly introduced as a response to the protests taking place in Iowa City, following the 2016 General Elections, as an expression of disagreement with the methods used by protestors, mainly disrupting traffic.

Michigan

House Bill No. 4643 was introduced on 26 May 2015, approved by the House on 7 December 2016, and is yet to be considered by the Senate.

The Bill provides that “a person shall not obstruct or interfere with entrance to or egress from any place of employment by mass picketing”, “obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports or other ways to travel or conveyance by mass picketing”. These prohibitions nevertheless don’t apply to picketing that is authorized under the constitution of the United States (...). ”

The Bill further provides that individuals who return to a disruptive demonstration already blocked by a court would face fines of up to \$1,000 per day, with unions or other groups liable to up to \$10,000 per day. The Bill allows employers or others affected by mass picketing to bring an action against the demonstrators in local circuit court. It also lowers the threshold required for a court to order picketers and protesters to stop demonstrating. Under the Bill, in certain cases, employers can obtain injunctive relief.

We are concerned the Bill would dramatically increase penalties for protestors, especially for trade unions protestors, excising their legitimate right to assemble peacefully and facilitate the procedure for a court to order a demonstration to cease.

Minnesota

1. House File No. 55 and Senate File No. 148

The Bill was introduced on 5 January 2017 in the House and on 17 January in the Senate. The Bills would increase penalties for protestors who intentionally obstruct highway traffic by a gross misdemeanor rather than a misdemeanor, with penalties up to a year in prison and \$3,000 fine.

We are concerned this Bill would greatly increase penalties for nonviolent cases involving protestors during peaceful assemblies and therefore deter individuals to take part in peaceful protests.

2. House File No. 322

House File No. 322 was introduced on 19 January 2017. The Bill provides that “a person is civilly liable for public safety response costs if the person is convicted of participating in an unlawful assembly under section 609.705, being present at an unlawful assembly under section 609.715, or committing a public nuisance under section 609.74”.

It further states that “Civily liable for public safety response costs” means that the person is liable to a state agency or political subdivision for costs incurred for the purpose of responding to the unlawful assembly or public nuisance.

The Bill would allow state authorities to bring civil lawsuits against protestors convicted of unlawful assembly or public nuisance. Moreover, the individual would be liable for the total public cost comprising the equipment used, the state agents’ time or any other administrative expense to put an end to the “unlawful assembly”.

We are concerned that the Bill would impose excessive penalties on the participants for exercising their right to peaceful assembly.

We are also concerned that this Bill, introduced following a series of protests led by the Black Lives Matter movement blocking busy interstates in the Twin Cities, during which a man was shot and killed by a St. Anthony police officer in July 2016, could be adopted as a way to crack down on protests in Minnesota. A State representative justified the Bill as a good measure to the cost entailed by protests for the taxpayers.

3. House File No. 390

House File No. 390 was introduced on 23 January 2017. According to the draft: “Whoever intentionally commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit vehicle is guilty of a crime and may be sentenced” to “imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or (2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence”.

The Bill would increase fines for protestors that obstruct highway and airport traffic. It would additionally allow prosecutors to seek jail sentences for up to one year if no violence was involved and up to three years if acts of violence were committed.

We are concerned that the Bill would dramatically stiffen penalties for protestors excising their legitimate right to assemble peacefully and therefore have a chilling effect on individuals to exercise their right to peaceful assembly.

Missouri

1. House Bill No. 179

House Bill 179, introduced on 4 January 2017, provides that a person who intentionally conceals “his or her identity by the means of a robe, mask, or other disguise” while engaged in an “unlawful assembly” would constitute a Class A misdemeanour, entailing a penalty of up to one-year imprisonment.

The Bill exempts identity-concealing coverings for the purposes of religion, safety, or medical needs. The Missouri legislature's website indicates that wearing a "hood" would also be included in criminalized coverings.

The broad and vague term of "other disguise" could comprehend a wide variety of situations and therefore overly criminalize protestors. We are concerned that this Bill, if adopted, would similarly impose excessive penalties on protestors.

2. House Bill No. 826

House Bill 826 was introduced on 2 February 2017. According to the Bill, an "unlawful assembly" consists of "two or more persons who meet for the purpose of violating any of the criminal laws of this state or of the United States".

It creates a new crime of "unlawful traffic interference", if the person has an intention to "impede vehicular traffic" and if "he or she walks, stands, sits, lies, or places an object in such a manner as to block passage by a vehicle on any public street or highway or interstate highway".

The commission of "unlawful traffic interference" while participating in an "unlawful assembly" is subject to up to seven years in prison.

We are concerned that the Bill provides too wide of a definition of what is an "unlawful assembly" and imposes excessive penalties for what is considered "unlawful traffic interference". If adopted, the Bill would highly curtail the right to peaceful assembly.

North Carolina

House Bill No. 249 was introduced on 2 March 2017. The Bill would criminalize protests obstructing traffic through "economic terrorism" defined as an individual who "wilfully and maliciously or with reckless disregard" disrupts the regular course of business and results in damages of over \$1,000. This criminal offense could be punishable of up to 25 months in prison and make a protestor liable for the costs incurred by the state response, as well as charging him/her in a civil action.

The Bill further provides that, if a person wilfully stands, sits, or lies upon the highway or street in such a manner as to impede the regular flow of traffic, or if she remains at the scene after being warned to disperse, criminal penalties would be increased.

We are concerned that the Bill broadly defines "economic terrorism", encompassing a wide range of situations, including peaceful protests and leading to their potential disproportionate criminalization.

North Dakota

In North Dakota, House Bill No. 1304 - introduced on 12 January 2017 - was signed by the Governor on 2 March 2017. It provides that “An individual may not wear a mask, hood, or other device that covers, hides, or conceals any portion of that individual's face with the intent to intimidate, threaten, abuse, or harass any other individual, for the purpose of evading or escaping discovery, recognition, or identification during the commission of a criminal offense; or for the purpose of concealment, flight, or escape when the individual has been charged with, arrested for, or convicted of a criminal offense”.

House Bill No. 1426 was introduced on 16 January 2017 and was signed by the Governor on 2 March 2017.

The Bill increases protests penalties from Class C to Class B felony if a riot involves more than 100 people and from Class A misdemeanour to Class C felony otherwise.

We are highly concerned over the Bills proposed by legislators in both chambers. In particular, House Bill No. 1426 will highly increase penalties for participating in protests and therefore is likely to have a chilling effect on protestors in North Dakota.

We recall that the Special Rapporteurs have, on several occasions, condemned the violent repression of protests held in North Dakota in opposition to the construction of the pipeline that threatens to contaminate waters and disrupt sacred sites of the Standing Rock Sioux Tribe. We are finally highly concerned at the fact that, despite the reiterated calls of the Special Rapporteurs to hold the construction of the Dakota Access Pipeline, an executive order issued on 24 January 2017 seeks to advance the stalled project.

Oklahoma

House Bill No. 1123 was introduced on 17 January 2017 and approved by the House on 28 February 2017. According to the Bill: “any person who shall wilfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanour punishable by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for a term of six months, or by both such fine and imprisonment”.

Additionally, if an intent of “wilfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility”, the person could be guilty of a fine of no less than \$10,000, a one-year imprisonment or both.

The Bill provides a long list of “critical infrastructure” facilities, including petroleum or alumina refinery, a liquid natural gas terminal or storage facility or a transmission facility used by a federally licensed radio or television station.

We are concerned this Bill would target peaceful protests in certain contexts, such as protests which focus on environmental rights, imposing disproportionate penalties on protestors. We are even more concerned that the Bill reportedly was prompted by the Dakota Access Pipeline protests in North Dakota.

Oregon

Senate Bill No. 540, introduced on 9 January 2017, would oblige public universities and community colleges to expel students who are convicted of participating in a riot “under ORS 166.015” defined as “a person commits the crime of riot if while participating with five or more other persons the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm”.

We are concerned this provision could have a chilling effect, deterring students to participate in peaceful protests by fear of being expelled.

South Dakota

Senate Bill No. 176, introduced on 3 February 2017, was signed by the Governor on 13 March 2017.

The Bill provides that:

“Upon the request of the Governor and the sheriff of the county where the public land is situated, the commissioner of school and public lands may prohibit any group larger than twenty persons from congregating upon any tract of land under the supervision of the commissioner of school and public lands, if the prohibition is necessary to preserve the undisturbed use of the land by the lessee or if the land may be damaged by the activity”.

“The Department of Transportation with respect to highways under its jurisdiction may promulgate rules pursuant to chapter 1-26 to prohibit or restrict the stopping, standing, or parking of vehicles or the presence of any person standing outside of a motor vehicle, on any highway or highway right-of-way if such stopping, standing, or parking, or presence of any person standing is dangerous to those using the highway or if the stopping, standing, or parking of vehicles or the presence of persons outside of a motor vehicle would unduly interfere with the free movement of traffic thereon on the highway. A violation of this section is a Class 1 misdemeanor”.

Finally, “Unless otherwise directed by law enforcement or other emergency personnel or to seek assistance for an emergency or inoperable vehicle, no person may stand upon the paved or improved or main-travelled portion of any highway with intent to impede or stop the flow of traffic”.

We are concerned that the broad language used to justify the prohibition of gatherings could grant the Governor and the Sheriff wide power to discretionally justify the prohibition of peaceful assemblies.

Moreover, including new penalties for obstructing traffic would curtail the right to peaceful assembly and freedom of expression, impeding citizens to use public spaces to express their opinion.

Tennessee

House Bill No. 0668 and Senate Bill No. 0944 were both introduced in the House and the Senate on 9 February 2017.

The Bills provide that:

“(a) A person driving an automobile who is exercising due care and injures another person who is participating in a protestor demonstration and is blocking traffic in a public right-of- way is immune from civil liability for such injury.

(b) A person shall not be immune from civil liability if the actions leading to the injury were willful or wanton”.

The Bills would have the effect of exempting drivers from liability if they accidentally hit a pedestrian. If adopted, the Bills would enable general impunity of individuals aiming at protestors, create a climate of fear and highly increase insecurity of protests.

Washington

Senate Bill No. 5009 was introduced on 15 December 2016. If adopted, the Bill would allow a prosecuting attorney to file a special allegation that an accused committed an offense in order “to cause an economic disruption”. If the court were to find that a participant intended to create such a disruption, sentences can be extended 60 days for a misdemeanour, 6 months for a gross misdemeanour, and 12 months for a felony.

The proposed Bill defines “attempting to or causing an economic disruption” as a crime intended to:

- (a) “Influence the policy of a government by intimidation or coercion; and

- (b) Obstruct, hinder, or delay the passage of any train, truck, car, ship, boat, aircraft, or other vehicle or vessel engaged in the carriage, hauling, transport, shipment, or delivery of goods, cargo, freight, or other item, in commerce; or
- (c) Interferes with, tampers with, damages, or obstructs any pipeline facility, bulk oil terminal, marine terminal, tank car, waterborne vessel or barge, or power plant.”

We are concerned about the criminalization of protestors for causing economic disruption. We are all the more worried that the sponsoring State Senator reportedly proposed the Bill in response to protests aimed at disrupting activities that he referred to as “economic activities”. This Bill would therefore attempt to deter protestors that would have an effect on the corporate sector.

B. Defeated Bills

In other States, similar bills restricting the rights to freedom of assembly and association were also introduced but were not passed in Arizona, Mississippi, North Dakota and Virginia.

On 19 January 2017, Senate Bill No. 1142 was introduced in Arizona. It was transmitted to the House for review on 22 February 2017 after being passed by the previous chamber. The Bill foresees to add “rioting” to the list of offenses covered by the state's Racketeer Influenced and Corrupt Organization laws. Protests turning violent could lead to criminal racketeering charges and the Bill further allows the prosecutor to seize a person’s assets not only for participating in a “riot” but also to have planned such a riot.

In Mississippi, Senate Bill 2730 was introduced on 16 January 2017 and was defeated on 31 January 2017. The Bill would have created a crime of “maliciously impeding traffic on a public road”. The obstruction of public traffic was defined as “a person sitting, standing or lying in a public road or highway that would impede or hinder the passage of emergency vehicles, the violation shall be a felony punishable by a fine not to exceed Ten Thousand Dollars (\$10,000,00) or imprisonment not to exceed five (5) years, or both”. In North Dakota, several introduced bills were defeated. The Bills, although defeated, show a worrying pattern of the will of legislators to discourage protests, especially protests aiming at defending environmental issues.

House Bill No. 1203 was introduced on 9 January 2017 and failed to pass on 13 February 2017 (41 in favour and 51 against). According to the Bill, such a motorist would therefore not be liable or found guilty of an offense, even when leading to death, as long as it would be by negligence or “unintentional”. House Bill No. 1332 was introduced on 16 January 2017 and failed to pass on 30 January 2017. The Bill provided that anyone

convicted of criminal trespass, a Class A misdemeanour, would have had to pay a new additional \$1,000 fine to support the county sheriff. House Bill No. 1383, introduced on 16 January 2017, failed to pass on 6 February 2017. It made it illegal for an individual to be in a place, “at a time, or in any unusual manner, that warrants justifiable and reasonable alarm or immediate concern for the safety of other individuals or property in the vicinity”. Senate Bill No. 2246 was introduced on 16 January 2017. It was defeated on 21 February 2017. The Bill entailed a fine of \$5,000 for refusing to vacate:

In Virginia, Senate Bill 1055 was introduced on 6 January 2017 and defeated on 23 January 2017. If adopted, the Bill would likewise have dramatically increased penalties for protestors engaged in assemblies considered “unlawful”. Any law that would chill protesting also threatens the right to freedom of expression.

C. Others

North Carolina

On 23 January 2017, a Senator pledged to introduce legislation making it a crime to “threaten, intimidate, or retaliate against a present or former North Carolina official in the course of, or on account of, the performance of his or her duties.”

The Bill, if introduced and adopted, could consider a protestor a criminal for taking part in a protest aiming at criticizing a State official.

The proposition was reportedly aiming at countering protestors and journalists who criticized the former state Governor for signing a law making North Carolina the first state to require transgender people to use the bathroom that matched the gender listed on their birth certificates, rather than the gender with which they identify.

We are concerned that, if enacted, this proposition would highly curtail the rights to freedom of expression and peaceful assembly, as a way to crack down on any dissent view against legislators or any other state official in the performance of his duties.

2. Legal standards

We are concerned that the above-mentioned Bills are incompatible with international human rights law and would unduly restrict the possibility for individuals to freely exercise their rights to freedom of opinion and expression, and peaceful assembly. If adopted, the pending Bills could have a domino effect on other states, leading to a general crackdown on protests in the United States.

As for the other Bills, although defeated, they show a worrying pattern of legislators, at the state level, to try to enact legislation aiming at criminalizing and potentially discouraging protests.

1. General Legal standards

The right to freedom of peaceful assembly is guaranteed in article 21 of the Covenant on Civil and Political Rights (ICCPR), ratified by the United States on 8 June 1992, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”.

It is also reflected in article 8 of the International Covenant on Economic, Social and Cultural Rights, signed by the United States in 1977. It is a key human right in international human rights law, enshrined in article 20 of the Universal Declaration of Human Rights (UDHR).

The right to freedom of opinion and expression is enshrined in article 19 of the ICCPR and 19 of the UDHR. It can also be subject to certain restrictions but these shall only be “provided by law” and “necessary” for “respect of the rights or reputations of others” and the protection of national security or of public order (*ordre public*), or of public health or morals”.

Resolution 24/5 of the Human Rights Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

2. Positive obligations

The Special Rapporteur on the rights to freedom of peaceful assembly and association stressed, in his first thematic report, that the enjoyment of the right to hold and participate in peaceful assemblies entails the fulfilment by the State of its positive obligation to facilitate the exercise of this right (A/HRC/20/27, para 27).

- About the growing criminalization of protests

We are concerned that the growing criminalization of peaceful protests, as proposed by all aforementioned Bills, could deter individuals from organizing or participating in peaceful protests and have the effect of curtailing the rights to freedom of peaceful assembly and freedom of expression.

The Special Rapporteur on the rights to freedom of peaceful assembly and association highlighted, that assemblies are also an instrument through which other social, economic, political, civil and cultural rights can be expressed, meaning they play a critical role in protecting and promoting a broad range of human rights. They can be instrumental in amplifying the voices of people who are marginalized or who present an alternative narrative to established political and economic interests. Assemblies present ways to engage not only with the State, but also with others who wield power in society, including corporations, religious, educational and cultural institutions, and with public opinion in general (A/HRC/31/66, para 6).

The Special Rapporteur on the rights to freedom of peaceful assembly and association as well as the Special Rapporteur on extrajudicial, summary or arbitrary executions stressed, in a joint report on the proper management of assemblies, that the ability to assemble and act collectively is vital to democratic, economic, social and personal development, to the expression of ideas and to fostering engagement in citizenry. Assemblies can make a positive contribution to the development of democratic systems and, alongside elections, play a fundamental role in public participation, holding governments accountable and expressing the will of the people as part of the democratic processes (A/HRC/31/66, para 5).

- About the duty to protect peaceful protests and protestors

We are highly concerned about Florida Senate Bill No.1096, North Dakota House Bill No. 1203 (even if defeated) as well as Tennessee House Bill No. 0668 and Senate Bill No. 0944 which would have the effect of exempting drivers from liability if they accidentally hit a pedestrian. Allowing individuals to “hit” protestors blocking traffic during protests (whether they are authorized or not), possibly resulting in deaths and further exempting them from any liability, would lead to a general impunity of individuals aiming at protestors, create a climate of fear and highly increase insecurity of protests.

The right to life (article 3 of the UDHR and article 6 of the ICCPR) should be overarching principles governing the policing of public assemblies. Not only should the State protect this non-derogable right at all cost, but it should certainly not allow individuals exemption from attempting to protect a protestor’s life for the reason that she/he is blocking traffic as a consequence of his participation in a peaceful assembly.

The Special Rapporteur on the rights to freedom of assembly and association stresses that States have a positive obligation to actively protect peaceful assemblies. Such obligation includes the protection of participants of peaceful assemblies from individuals or groups of individuals, including *agents provocateurs* and counter-demonstrators, who aim at disrupting or dispersing such assemblies. Such individuals include those belonging to the State apparatus or working on its behalf (A/HRC/20/27, para 33).

- About protests turning violent

We are concerned several Bills aim at criminalizing protestors for protests turning violent, as it is established by Arizona Senate Bill No. 1142 and Minnesota Bill HF No. 390. These Bills could have the effect of criminalizing protestors for protests turning violent as a consequence of the unlawful conduct of others.

The protection of rights also requires that positive measures be taken to prevent actions by non-State actors that could interfere with their exercise (A/HRC/31/66, para 14). According to the Special Rapporteur on the rights to freedom of peaceful assembly and association, “assembly organizers and participants should not be considered responsible (or held liable) for the unlawful conduct of others... [and, together with] assembly stewards, should not be made responsible for the maintenance of public order” (A/HRC/20/27, para 31).

The Special Rapporteur on the rights to peaceful assembly and association has repeatedly stated that there is no such thing as a violent protest but there are violent protestors, which should be dealt with individually and appropriately by law enforcement. One person’s decision to resort to violence does not strip other protesters of their right to freedom of peaceful assembly. This right is not a collective right; it is held by each person individually.

- About costs incurred during protests

We are concerned at several Bills providing that an individual could be liable for the total public cost to put an end to an “unlawful assembly” as foreseen by Minnesota Bill HF No. 322 and North Carolina House Bill No. 249.

With regard to the responsibilities of organizers, the Special Rapporteur on the rights to peaceful assembly and association is of the opinion that “organizers should not incur any financial charges for the provision of public services during an assembly (such as policing, medical services and other health and safety measures)” (A/HRC/20/27, para 31).

3. Other obligations

States also have obligations not to unduly interfere with the right to peaceful assembly.

- Not to use excessive force during assemblies

We are highly concerned about Indiana Senate Bill No. 285 providing public official must, within 15 minutes of learning of a mass traffic obstruction, dispatch all available law enforcement with directions to “use any means necessary to clear the roads of the persons unlawfully obstructing vehicular traffic”. The broad language of the Bill

could result in excessive use of force during protests when these could be discretionally considered by law enforcement officials as “unlawfully obstructing vehicular traffic”.

As mentioned earlier, any restrictions imposed must be necessary and proportionate to the aim pursued. The Special Rapporteur on the rights to peaceful assembly and association stated that the use of force should be used on an exceptional basis, if it is strictly unavoidable and if applied, it must be in accordance with international human rights law, following principles of legality, precaution, necessity, proportionality and accountability (A/HRC/31/66, para 50).

- Authorization to hold peaceful assemblies

Various Bills refer to what they consider “unlawful assemblies”: Arkansas Senate Bill No. 550 “unlawful mass picketing”, Florida Senate Bill No.1096 “a protest or demonstration for which a public assembly permit or other applicable special event permit has not been issued by a county or municipality”; Indiana Senate Bill No. 285 “persons unlawfully obstructing vehicular traffic”; Minnesota HF 55, SF 148 and HF 390; Missouri HB 179 and HB 826 “unlawful assembly”; North Dakota, House Bill 1383 “to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public or private place without a lawful reason”.

We are concerned that, by considering unauthorized assemblies to be “unlawful” and criminalizing them, States could have a discretionary power to authorize or not assemblies. Consequently, the Bills would have a deterring effect on protestors who want to hold peaceful assemblies not previously authorized by the state.

The Special Rapporteur on the rights to peaceful assembly and association has identified as best practice “laws governing freedom of assembly [that] both avoid blanket time and location prohibitions, and provide for the possibility of other less intrusive restrictions... Prohibition should be a measure of last resort and the authorities may prohibit a peaceful assembly only when a less restrictive response would not achieve the legitimate aim(s) pursued by the authorities” (A/HRC/20/27, para 39).

The Special Rapporteur on the rights to peaceful assembly and association further believes that the exercise of fundamental freedoms should not be subject to previous authorization by the authorities but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others. Such a notification should be subject to a proportionality assessment, not unduly bureaucratic and be required a maximum of, for example, hours prior to the day the assembly is planned to take place. Should the organizers fail to notify the authorities, the assembly should not be dissolved automatically and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment. This is all the more relevant in the case of spontaneous assemblies where the organizers are unable to comply with the requisite notification requirements, or

where there is no existing or identifiable organizer. In this context, the Special Rapporteur holds as best practice legislation allowing the holding of spontaneous assemblies, which should be exempted from prior notification (A/HRC/20/27, para 28).

We are concerned at the fact that most Bills criminalize peaceful protests for “obstructing traffic”: Florida Senate Bill No.1096, Georgia Senate Bill No. 160, Indiana Senate Bill No. 285, Iowa Bill SF 111, Michigan House Bill No. 4643, Minnesota Bill HF 390, Missouri House Bill No. 179 and House Bill No. 126. This legislation was reportedly proposed in response to an increasing number of highway and other roads closures by activists.

In this connection, we would like to highlight the recommendations made in the report of the joint report of the Special Rapporteur on freedom of peaceful assembly and association and of the Special Rapporteur on extrajudicial, summary or arbitrary executions: “Assemblies are an equally legitimate use of public space as commercial activity or the movement of vehicles and pedestrian traffic. Any use of public space requires some measure of coordination to protect different interests, but there are many legitimate ways in which individuals may use public spaces. A certain level of disruption to ordinary life caused by assemblies, including disruption of traffic, annoyance and even harm to commercial activities, must be tolerated if the right is not to be deprived of substance” (A/HRC/31/66, para 32).

- Concealment

Missouri House Bill No. 179 and North Dakota House Bill No. 1304 (approved) both foresee penalties for concealing an individual’s identity or a portion of his face.

We are concerned this measure could further increase penalties for peaceful protestors. In his 2014 report to the Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and association stressed that numerous jurisdictions have in recent years banned peaceful protesters from covering their faces during demonstrations, motivated by fears that demonstrators who wear masks or hoods could engage in violence and escape punishment due to their concealed identities. The Special Rapporteur is concerned that bans on face coverings during assemblies are in some circumstances used to target particular groups and improperly curtail their right to freedom of peaceful assembly. He further stated that there may be legitimate and non-criminal reasons for wearing a mask or face covering during a demonstration, including fear of retribution (A/HRC/26/29, para 32 and 33).

4. *General observations*

The Bills were mainly proposed at the beginning of 2017 and exclusively by Republican legislators. Given the current context in the United States, where several protests have erupted in the past few years, starting with the general movement led by Black Lives Matter and the recent protests arising after the presidential elections, we are

concerned that the proposed legislation, by increasingly criminalizing peaceful protests, is designed to discourage the development of that movement.

If enacted, the Bills would highly curtail the rights to freedom of opinion and peaceful assembly in ways that are incompatible with US obligations under international human rights law, in particular articles 19 and 21 of the ICCPR, as well as the First Amendment of the American Constitution.

The Bills would have a chilling effect on protestors, stripping the voice of the most marginalized, who often find in the right to assemble the only alternative to express their opinions. We are particularly concerned about the fact that several Bills directly target environmental activists. Senate Bill No. 17-035 in Colorado, House Bill No. 1383, Senate Bill No. 2246, as well as other proposed state Bills in North Dakota, and House Bill No. 1123 in Oklahoma would dramatically increase penalties over protests held in the vicinity of environmentally sensitive areas. As mentioned above, these Bills were reportedly proposed as a response to the protests organized by activists and opponents of the Dakota Access Pipeline in North Dakota.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide all information or additional comments in relation to these allegations.
2. Please explain how the aforementioned Bills are in accordance with the United States of America's obligations under international human rights law, particularly with regard to the rights of freedom of opinion and peaceful assembly as enshrined in articles 19 and 21 of the ICCPR, as well as articles 19 and 20 of the UDHR, respectively.
3. Please explain whether any analysis and/or consultation has been undertaken to assess the impact of the proposed legislation on the situation of human rights. Please share the outcome of any such analysis or consultation.
4. Please indicate whether the proposed Bills have been reviewed in light of United States of America's international human rights obligations to which the United States of America is a party. Please share the outcome of any such review.
5. Please indicate what measures your Government intends to take at the Federal level to ensure states adopt legislation in accordance to the American States' international obligations and generally protect the rights to freedom of expression and peaceful assembly in the country.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate

a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Government to clarify the issues in question.

Finally, we would like to inform your Government that this communication will be made available to the public and posted on the website page for the mandate of the Special Rapporteur on the right to freedom of expression: (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>).

Your Government's response will also be made available on the same website as well as in the regular periodic Communications Report to be presented to the Human Rights Council.

Please accept, Mr. Allegra, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Shipman, Nathaniel

From: Shipman, Nathaniel
Sent: Monday, July 15, 2019 11:02 AM
To: Stockman, Scott
Subject: FW: Wind Turbines/Critical Infrastructure

This is what we have on SB 33

Nate Shipman

Sr. Legislative Aide
Senate Minority Whip Sean J. O'Brien (32nd District)
Ohio Statehouse
1 Capitol Square
Columbus, OH 43215
E: Nate.Shipman@ohiosenate.gov
Ph: (614)466-7182

From: Shipman, Nathaniel
Sent: Wednesday, May 01, 2019 11:30 AM
To: 'Koppitch, Matthew'
Subject: RE: Wind Turbines/Critical Infrastructure

Ah, I see. Good to know.

Nate Shipman

Sr. Legislative Aide
Senate Minority Whip Sean J. O'Brien (32nd District)
Ohio Statehouse
1 Capitol Square
Columbus, OH 43215
E: Nate.Shipman@ohiosenate.gov
Ph: (614)466-7182

From: Koppitch, Matthew [<mailto:mkoppitch@bricker.com>]
Sent: Wednesday, May 01, 2019 11:12 AM
To: Shipman, Nathaniel
Subject: RE: Wind Turbines/Critical Infrastructure

That was my interpretation, so long as they have signs, since they don't usually have fences.

From the LSC Summary "One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization..."

Thanks for checking.



Matthew R. Koppitch

Associate

Bricker & Eckler LLP | 100 South Third Street | Columbus, OH 43215

Direct Dial 614.227.8824 | mkoppitch@bricker.com | v-card | www.bricker.com

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From: Shipman, Nathaniel [<mailto:Nate.Shipman@ohiosenate.gov>]

Sent: Wednesday, May 01, 2019 11:10 AM

To: Koppitch, Matthew

Subject: Wind Turbines/Critical Infrastructure

This Message originated outside your organization.

Matt,

Just got off the phone with Hoagland's office, and it appears wind turbines are covered in SB 33 under portion of the definition for "critical infrastructure facility" which states that people can't trespass on/vandalize property that is "an electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment." So, I think we're good.

Let me know if I can be of further assistance in any way.

Have a good one,

Nate Shipman

Sr. Legislative Aide

Senate Minority Whip Sean J. O'Brien (32nd District)

Ohio Statehouse

1 Capitol Square

Columbus, OH 43215

E: Nate.Shipman@ohiosenate.gov

Ph: (614)466-7182

From: [Ted Auch](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Andrew Brenner](#); [State Senator Dave Burke](#); [State Senator Bill Coley](#); [State Senator Matt Dolan](#); [State Senator Theresa Gavarone](#); [State Senator Bob Hackett](#); [State Senator Brian Hill](#); [State Senator Frank Hoagland](#); [State Senator Jay Hottinger](#); [State Senator Matt Huffman](#); [State Senator Stephen Huffman](#); [State Senator Stephanie Kunze](#); [State Senator Peggy Lehner](#); [State Senator Nathan Manning](#); [State Senator Robert McColley](#); [State Senator Larry Obhof](#); [State Senator Bob Peterson](#); [State Senator Kristina Roegner](#); [State Senator Michael Rulli](#); [State Senator Kirk Schuring](#); [State Senator Lou Terhar](#); [State Senator Joe Uecker](#); [State Senator Steve Wilson](#); [State Senator Nickie Antonio](#); [State Senator Hearcel Craig](#); [State Senator Teresa Fedor](#); [State Senator Tina Maharath](#); [State Senator Sean O'Brien](#); [State Senator Vernon Sykes](#); [State Senator Cecil Thomas](#); [State Senator Sandra Williams](#); [State Senator Kenny Yuko](#)
Subject: Auch SB 33 written testimony submission
Date: Monday, April 08, 2019 3:37:20 PM
Attachments: [Auch_SB33_Written_Testimony_4_8_2019.pdf](#)

To Whom It May Concern

I would like to submit this written testimony in opposition to SB 33 from Senator Hoagland before the judiciary committee this week. This is a bill that is unnecessary, undemocratic, and yet another handout to corporatists and globalists. This committee and the entire statehouse has a mandate to represent Ohioans not ALEC, OOGA, Energy In Depth, or any corporation. Please make sure this bill does not make it out of committee and send it back to ALEC where it belongs.

Sincerely
Ted Auch

--

Ted Auch | Ph.D.

The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org
[The Dealership Co-Workspace](#), 3558 Lee Road, Shaker Heights, OH 44120

C: 802-343-6771

lsarpp@gmail.com

Twitter: @lsarpp

<http://www.shockedandpersuaded.com/>

"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

From: [Ted Auch](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Andrew Brenner](#); [State Senator Dave Burke](#); [State Senator Bill Coley](#); [State Senator Matt Dolan](#); [State Senator Theresa Gavarone](#); [State Senator Bob Hackett](#); [State Senator Brian Hill](#); [State Senator Frank Hoagland](#); [State Senator Jay Hottinger](#); [State Senator Matt Huffman](#); [State Senator Stephen Huffman](#); [State Senator Stephanie Kunze](#); [State Senator Peggy Lehner](#); [State Senator Nathan Manning](#); [State Senator Robert McColley](#); [State Senator Larry Obhof](#); [State Senator Bob Peterson](#); [State Senator Kristina Roegner](#); [State Senator Michael Rulli](#); [State Senator Kirk Schuring](#); [State Senator Lou Terhar](#); [State Senator Joe Uecker](#); [State Senator Steve Wilson](#); [State Senator Nickie Antonio](#); [State Senator Hearcel Craig](#); [State Senator Teresa Fedor](#); [State Senator Tina Maharath](#); [State Senator Sean O'Brien](#); [State Senator Vernon Sykes](#); [State Senator Cecil Thomas](#); [State Senator Sandra Williams](#); [State Senator Kenny Yuko](#)
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Sincerely
Ted Auch

--

Ted Auch | Ph.D.

The FracTracker Alliance, Great Lakes Program Coordinator, auch@fractracker.org
[The Dealership Co-Workspace](#), 3558 Lee Road, Shaker Heights, OH 44120

C: 802-343-6771

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Twitter: @lsarpp

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"Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do" Wendell Berry

From: [Ford, Beth](#)
To: [State Senator Frank Hoagland](#)
Subject: Automatic reply: Final Review [CLONE]: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure
Date: Thursday, May 02, 2019 7:53:49 AM

I will be out of the office Thursday, April 25, 2019 returning Monday, May 6. For immediate assistance, please contact Dan Lusheck at Daniel.Lusheck@OhioSenate.gov or Angelika McClelland at Angelika.McClelland@OhioSenate.gov.

Thanks,
Beth Livingston

From: [State Senator Dave Burke](#)
To: [State Senator Frank Hoagland](#)
Subject: Automatic reply: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure
Date: Thursday, May 02, 2019 8:31:08 AM

From: [Burke-Onda, Regan](#)
To: [Loccisano, Giovanna](#)
Subject: Bob Connors Questions
Date: Tuesday, June 18, 2019 12:05:32 PM
Attachments: [June 20th Interview Questions.docx](#)

Attached is a very rough draft of some questions/answers for Thursday just to get started. Would you mind looking it over and adding/changing what you see fit. He wants 8/10 questions.. but I just started with some basics for now.

Thanks!

From: [Loccisano, Giovanna](#)
To: [All Senate Members and Staff \(Democrat and Republican\)](#)
Subject: Co-Sponsor Request: Critical Infrastructure
Date: Friday, February 08, 2019 9:29:55 AM
Attachments: [Co-Sponsor Request-Critical Infrastructure.docx](#)

Good morning,

Please see the attached co-sponsor request from Senator Hoagland. This legislation is a re-introduction of SB 250 from the 132nd GA as passed by the Senate, with bipartisan support. The deadline to co-sponsor this legislation is **9am on Tuesday, February 12, 2019.**

If you have any questions, please feel free to call our office.

Best,

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Loraine McCosker](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Comment in opposition to SB 33
Date: Tuesday, April 09, 2019 12:03:08 AM
Attachments: [Loraine McCosker SB 33 Testimony April 8, 2019.docx](#)

Senator Eklund and Judiciary Committee Members,

Please see my attached comments opposing SB 33.

Best regards,

Loraine McCosker
Athens Ohio

From: [Loraine McCosker](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Comment in opposition to SB 33
Date: Tuesday, April 09, 2019 12:03:08 AM
Attachments: [Loraine McCosker SB 33 Testimony April 8, 2019.docx](#)

Senator Eklund and Judiciary Committee Members,

Please see my attached comments opposing SB 33.

Best regards,

Loraine McCosker
Athens Ohio

From: [Lusheck, Daniel](#)
To: [Loccisano, Giovanna](#); [Burke-Onda, Regan](#)
Subject: FOR REVIEW: [TEST]: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure
Date: Wednesday, May 01, 2019 10:53:23 AM

Hey guys,

Please take a look at this for content edits, including anything that may have changed in the bill.

I'll add the session photo once I have it and send for final review after I get your edits.

Thanks!

From: Office of Senator Frank Hoagland [mailto:Hoagland@OhioSenate.gov]
Sent: Wednesday, May 01, 2019 10:52 AM
To: Lusheck, Daniel
Subject: [TEST]: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure

Click [here](#) if you are having trouble viewing this message.



Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure

INSERT SESSION PHOTO

COLUMBUS—State Senator [Frank Hoagland](#) (R-Mingo Junction) today announced the Senate passage of his bill to help protect critical infrastructure in Ohio by enhancing penalties associated with certain types of wrongful acts that disrupt vital operations. The measure passed by a vote of xx-xx.

"Various forms of critical infrastructure provide essential energy, communications and vital services and products to the entire state," said Senator Hoagland. "Today's vote is an important step in protecting these facilities from vandalism and other destructive acts that have a devastating impact on our communities' ability to function."

Senate Bill 33 prohibits criminal mischief, trespassing and aggravated criminal trespassing and would impose fines on organizations that are found to be complicit with these offenses.

The bill was inspired by a number of reports of tampering with valves and controls at pipeline facilities that can create extremely dangerous situations for employees of those facilities as well as citizens in the community.

Critical Infrastructure includes all of the following but is not limited to:

- Electricity Generation, Transmission, and Generation
- Gas Production, Transport, and Distribution
- Oil, Oil Products, Production, Transportation, and Distribution
- Telecommunication
- Water Supply
- Agricultural Resources, Food Production, & Distribution
- Heating
- Transportation Systems
- Security Services

[Senate Bill 33](#) is now receiving further consideration from the House of Representatives.

#

Senator Hoagland represents the 30th District in the Ohio Senate, which encompasses Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble and Washington counties as well as portions of Athens and Vinton counties. Learn more at www.OhioSenate.gov/Hoagland. To download a high-resolution headshot of Senator Hoagland, [click here](#).

Office Contact: Giovanna Loccisano at (614) 466-6508 or Hoagland@OhioSenate.gov

MAJORITY CAUCUS MEDIA CONTACT:

Dan Lusheck

Senate Majority Communications

Phone: (614) 644-5534

Email: Daniel.Lusheck@OhioSenate.gov



Click [here](#) if you don't wish to receive these messages in the future.

From: [Patricia A. Walker](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#); [State Senator Larry Obhof](#)
Cc: ekund@ohiosenate.gov
Subject: Fwd: Comment on SB 33
Date: Monday, April 29, 2019 9:43:21 PM
Attachments: [Comment concerning SB 33.docx](#)

President of the Senate, Senator Obhof
Chair Senator Eklund
Vice Chair Senator Manning
Members of the Ohio Senate Judiciary Committee

Attached are my comments that were sent on April 23 to Senator Ekund in opposition to SB 33.

Respectfully,

Patricia A. Walker

----- Forwarded Message -----

Subject: Comment on SB 33

Date: Tue, 23 Apr 2019 20:54:22 -0400

From: Patricia A. Walker <paw@walkerandjocke.com>

To: Senator Eklund <eklund@ohiosenate.gov>

The Honorable Senator Eklund

Please see my comment on SB 33 that is attached.

Thank you.

Respectfully,

Patricia A. Walker
231 South Broadway
Medina OH 44256-2601

--



Walker & Jocke Co., LPA
231 South Broadway
Medina OH 44256-2601 U.S.A.
+330 721 0000 Telephone
+330 722 6446 Facsimile
<http://www.walkerandjocke.com>

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www.avast.com

From: [Patricia A. Walker](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#); [State Senator Larry Obhof](#)
Cc: ekund@ohiosenate.gov
Subject: Fwd: Comment on SB 33
Date: Monday, April 29, 2019 9:43:21 PM
Attachments: [Comment concerning SB 33.docx](#)

President of the Senate, Senator Obhof
Chair Senator Eklund
Vice Chair Senator Manning
Members of the Ohio Senate Judiciary Committee

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Patricia A. Walker

----- Forwarded Message -----

Subject: Comment on SB 33

Date: Tue, 23 Apr 2019 20:54:22 -0400

From: Patricia A. Walker <paw@walkerandjocke.com>

To: Senator Eklund <eklund@ohiosenate.gov>

The Honorable Senator Eklund

Please see my comment on SB 33 that is attached.

Thank you.

Respectfully,

Patricia A. Walker
231 South Broadway
Medina OH 44256-2601

--



Walker & Jocke Co., LPA
231 South Broadway
Medina OH 44256-2601 U.S.A.
+330 721 0000 Telephone
+330 722 6446 Facsimile
<http://www.walkerandjocke.com>

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www.avast.com

From: [Loccisano, Giovanna](#)
To: [Burke-Onda, Regan](#)
Subject: Fwd: Sponsor Testimony SB 33
Date: Wednesday, February 20, 2019 7:36:27 AM
Attachments: [SB 33 Sponsor Testimony - Judiciary Committee.docx](#)
[ATT00001.htm](#)
[Federal Register Dept. of Transportation.pdf](#)
[ATT00002.htm](#)
[Monroe Action Camp Flyer.pdf](#)
[ATT00003.htm](#)

Hey,
Hoagland has Sponsor Testimony starting at 0930 in Judiciary - unless they updated the schedule he is supposed to be last in line for testimony but he should at least be there when they start, just in case. Attached (and in the SD30 >> Legislation >> Critical Infrastructure file) is his testimony. Can you please print this out for him in a larger font and double spaced - there is a file folder on his desk for it. Also during testimony, if you can just take notes if there are any questions - what the question is and from who?

Last, for the meeting w the farm bureau reps while FH is in Transportation Committee, it's just a meet and greet. You can talk about ag/nat resources committee chairmanship, tell them we're already actively creating a working relationship w both directors. Two big topics, right now, are Lake Erie and Hemp/Industrial Hemp. And if they'd like, it's always good to get a group pic of them in the office, if possible. They'll get to see Frank at the luncheon, as well. If he asks if you want to go to the luncheon, just FYI they are only allowing one person per office to attend due to space constraints. So if he can't attend, feel free to go. Just didn't want him to ask you and there not be a seat, etc.

I'm sending this preemptively while I'm getting ready, now. I'm going to try to be at work for the morning but the more I move around, the sicker I'm feeling.

- G

Sent from my iPhone

Begin forwarded message:

From: "Loccisano, Giovanna" <Giovanna.Loccisano@ohiosenate.gov>
Date: February 19, 2019 at 09:13:23 EST
To: "Cassell, Elizabeth" <Elizabeth.Cassell@ohiosenate.gov>
Subject: **Sponsor Testimony SB 33**

Good morning,

Please find attached Senator Hoagland's testimony for SB 33 with two additional attachments.

Thank you,

Giovanna Loccisano

Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Burke-Onda, Regan](#)
To: [Loccisano, Giovanna](#)
Subject: FW: I want to share my thoughts on an issue or piece of legislation.
Date: Monday, March 18, 2019 11:43:01 AM

Do you know the intent behind the technical changes of SB 33?

-----Original Message-----

From: stouder@frontier.com [<mailto:stouder@frontier.com>]
Sent: Friday, March 15, 2019 3:36 PM
To: State Senator Frank Hoagland
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Alan

Last Name : Stouder

Address : 205 W.North Ave.

City : Pioneer

State : OH

Zip : 43554

Phone : (419) 551-6398

Email : stouder@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

Sir,

Concerning SB33, Sec. 2909.10 paragraph D & F.

I was wondering the intent of deleting these two paragraphs which are specific to Trespassing on Railroad property and the penalty involved. Does Sec.2911.21 of this bill include & cover the enforcement of & penalties for trespassing on railroad property. Or does deleting paragraph D of Sec. 2909.10 make trespassing on railroad property no longer a crime.

Thank you for your time and consideration in this matter.

Alan Stouder

From: [State Senator Peggy Lehner](#)
To: [State Senator Frank Hoagland](#)
Subject: FW: ohiosenate.gov/legislation/GA133-SB-33
Date: Wednesday, April 10, 2019 10:57:30 AM

Hey guys,

Wanted to forward this along, as it is your constituent!

Best,

Alison Cozad

Legislative Aide

State Senator Peggy Lehner, 6th District
(614) 466-4538

From: james johnson [mailto:jamesjohnson8@me.com]
Sent: Tuesday, April 09, 2019 6:46 PM
To: State Senator Peggy Lehner
Subject: ohiosenate.gov/legislation/GA133-SB-33

Dear Honorable Madam,

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the **right of the people peaceably to assemble, and to petition the Government for a redress of grievances**

Isn't it a bit fascist to criminalize those you might not agree with. Our freedoms are being eroded daily and you are being an enabler. ALEC has an agenda that is not congruent with the common good. Please do not vote for this bill.

*James Johnson MD
Athens Oh*

From: [Loccisano, Giovanna](#)
To: [Burke-Onda, Regan](#); [Hoagland, Frank](#)
Subject: FW: Questions for Senator Hoagland
Date: Monday, March 04, 2019 11:45:52 AM

See below info for WTOV interview

From: Paul Giannamore [mailto:pgiannamore@sbgtnv.com]
Sent: Monday, March 04, 2019 11:37 AM
To: State Senator Frank Hoagland
Subject: Questions for Senator Hoagland

Thank you for agreeing to come to WTOV Friday, March 8 at 10 a.m. to be interviewed.

We will mainly want to talk about Senate Bill 33,

The questions will focus on:

1. Why is this bill necessary?
2. How will it work?
3. The bill had come under some criticism weeks ago on some editorial pages as something that would chill free speech... How does the Senator respond to such claims?
4. Are there specific examples of the kind of tampering with infrastructure that the bill would be aimed at reducing?

If there are any other issues the Senator would like to tell his constituents about, we would like to discuss them, too.

Thank you again. We look forward to seeing the Senator Friday.



Paul Giannamore
WTOV-NEWS 9
Assignment Editor/Producer
9 Red Donley Plaza
Steubenville, OH 43952
(740) 314-8555 (news desk)
(740) 632-3805 (cell)

From: [Miller, Brianna](#)
To: [Loccisano, Giovanna](#)
Subject: FW: SB 33 Sponsor
Date: Wednesday, May 01, 2019 9:25:26 AM

Hi Giovanna,

I received the email below from a constituent. Has SB 33 been amended in committee at all?

Thanks!

Bri

From: Janet Smith [mailto:janetsmith1164@gmail.com]
Sent: Tuesday, April 30, 2019 4:24 PM
To: Miller, Brianna
Subject: Re: SB 33 Sponsor

Brianna,

Thank you for hosting and speaking with me on Statehouse Day. I appreciated your knowledge on the bills that I mentioned.

I have a current question on SB 33. Has there been any revisions to the original bill? If so, where may I find the current bill that would be voted upon?

Thank you,

Janet Smith
Chairperson County Government Committee

Sent from my iPad

On Mar 27, 2019, at 2:49 PM, Miller, Brianna <Brianna.Miller@ohiosenate.gov> wrote:

Hi Janet,

It was great to speak with you today. Per our conversation, I have attached Senator Hoagland's sponsor testimony for SB 33 to this email. Senator Terhar is supportive of the bill as he believes it will provide necessary protections to critical infrastructure. Please let me know if you have any questions or concerns!

Best,

<[image001.jpg](#)>

Brianna Miller | Senior Legislative Aide

Senator Lou Terhar – 8th District
terhar@ohiosenate.gov | 614-466-8068

<SB 33 Hoagland Sponsor.pdf>

From: [Burke-Onda, Regan](#)
To: frankh@strt.us; [Loccisano, Giovanna](#)
Subject: FW: Senate Judiciary Committee Notice
Date: Friday, April 05, 2019 10:54:54 AM
Attachments: [4.10.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#),
[Media Slip.pdf](#)

FYI - More SB 33 opponent testimony in Judiciary on Wednesday, April 10th.

From: Champlin, Trent
Sent: Friday, April 05, 2019 10:41 AM
To: Champlin, Trent; Cassell, Elizabeth
Subject: Senate Judiciary Committee Notice

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Baker, Stephanie](#)
To: [Loccisano, Giovanna](#); [Burke-Onda, Regan](#)
Subject: FYI
Date: Monday, April 08, 2019 11:08:53 AM

https://www.athensnews.com/opinion/letters/help-is-needed-in-defeating-anti-free-speech-senate-bill/article_2815e028-5961-11e9-9cbb-3344bd77cba1.html

Stephanie Baker

Ohio Senate
Majority Caucus
(614) 466-7186

From: report@hannah.com
To: [Hannah](#)
Subject: Hannah News Stories for Wednesday, May 1, 2019
Date: Wednesday, May 01, 2019 8:28:53 PM

Wednesday, May 1, 2019

IN TODAY'S HANNAH REPORT:

[Please click here to read the entire Hannah Report.](#)

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- [House Budget Might Scrap Distress Commissions; Speaker Previews Tax Changes](#)
- [Another House Member Leaves as DeWine Names Parole Board Members, Announces Reform Efforts](#)
- [Senate Passes Increased Criminal Penalties for Damaging Critical Infrastructure](#)
- [House Democrats Announce Replacement Process for Holmes' Seat](#)
- [AG Announces Student Design Contest for 'Stop Bullying' License Plates](#)
- [Battle over Municipal Water Rates in Neighboring Subdivisions Returns to Statehouse](#)
- ['Constitutional Carry' Advocates Push for Broadening of Concealed Weapons Access](#)
- [Ohio Private Schools Reconsider Ties to Methodist Church](#)
- [Judicial Actions: Opinions: Appeals Accepted](#)
- [Legislative Schedule Changes](#)

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- [Higher Education](#)
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From: [Office of Senator Frank Hoagland](#)
To: [Burke-Onda, Regan](#)
Subject: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure
Date: Thursday, May 02, 2019 8:31:29 AM

Click [here](#) if you are having trouble viewing this message.



Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure



COLUMBUS—State Senator [Frank Hoagland](#) (R-Mingo Junction) yesterday announced the Senate passage of his bill to help protect critical infrastructure in Ohio by enhancing penalties associated with certain types of wrongful acts that disrupt vital operations. The measure passed by a vote of 24-8.

"Various forms of critical infrastructure provide essential energy, communications and vital services and products to the entire state," said Senator Hoagland. "Today's vote is an important step in protecting these facilities from vandalism and other destructive acts that have a devastating impact on our communities' ability to function."

Senate Bill 33 prohibits criminal mischief, trespassing and aggravated criminal trespassing and would impose fines on organizations that are found to be complicit with these offenses.

The bill was inspired by a number of reports of tampering with valves and controls at pipeline facilities that can create extremely dangerous situations for employees of those facilities as well as citizens in the community.

Critical Infrastructure includes all of the following but is not limited to:

- Electricity Generation, Transmission, and Generation
- Gas Production, Transport, and Distribution
- Oil, Oil Products, Production, Transportation, and Distribution
- Telecommunication
- Water Supply
- Agricultural Resources, Food Production, & Distribution
- Heating
- Transportation Systems
- Security Services

[Senate Bill 33](#) will now receive further consideration from the House of Representatives.

#

Senator Hoagland represents the 30th District in the Ohio Senate, which encompasses Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble and Washington counties as well as portions of Athens and Vinton counties. Learn more at www.OhioSenate.gov/Hoagland. To download a high-resolution headshot of Senator Hoagland, [click here](#).

Office Contact: Giovanna Loccisano at (614) 466-6508 or Hoagland@OhioSenate.gov

MAJORITY CAUCUS MEDIA CONTACT:

Dan Lusheck

Senate Majority Communications

Phone: (614) 644-5534

Email: Daniel.Lusheck@OhioSenate.gov



Click [here](#) if you don't wish to receive these messages in the future.

From: [Office of Senator Frank Hoagland](#)
To: [Loccisano, Giovanna](#)
Subject: Hoagland Introduces Legislation to Better Protect Ohio's Critical Infrastructure
Date: Wednesday, February 20, 2019 11:38:30 AM

Click [here](#) if you are having trouble viewing this message.



Hoagland Introduces Legislation to Better Protect Ohio's Critical Infrastructure

COLUMBUS—State Senator [Frank Hoagland](#) (R-Mingo Junction) recently re-introduced legislation which will help protect critical infrastructure in Ohio by enhancing penalties associated with certain types of wrongful acts that disrupt vital operations.

"We are beginning to see how critical infrastructure provides essential energy, communications and other vital services and products to the entire state," said Senator Hoagland. "This legislation seeks to increase measures of protecting these facilities from wrongful acts that can cause serious harm."

Senate Bill 33 prohibits criminal mischief, trespassing and aggravated criminal trespassing and would impose fines on organizations that are found to be complicit with these offenses.

In recent months there have been a number of reports of tampering with valves and controls at pipeline facilities that can create extremely dangerous situations.

Critical Infrastructure includes all of the following but is not limited to:

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- Agricultural Resources, Food Production, & Distribution
- Heating
- Transportation Systems
- Security Services

[Senate Bill 33](#) is now receiving further consideration in the Senate's Judiciary Committee.

#

Senator Hoagland represents the 30th District in the Ohio Senate, which encompasses Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble and Washington counties as well as portions of Athens and Vinton counties. Learn more at www.OhioSenate.gov/Hoagland. To download a high-resolution headshot of Senator Hoagland, [click here](#).

Office Contact: Giovanna Loccisano at (614) 466-6508 or Hoagland@OhioSenate.gov

MAJORITY CAUCUS MEDIA CONTACT:



Beth Livingston
Senate Majority Communications
Phone: (614) 644-9559
Email: Beth.Ford@OhioSenate.gov

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From: [Gongwer News Service](#)
To: [Baker, Joseph](#)
Subject: House & Senate Floor Reports
Date: Wednesday, May 01, 2019 3:03:41 PM

[View in a browser](#)



[News](#) [Bill Tracking](#) [Legislation](#)

HOUSE ACTIVITY REPORT

PASSED

HB 16

COLLEGE TUITION ([Perales, R.](#))

To grant residency status for in-state college tuition to active military service members and their spouses and dependents.

96-0

HB 154

ACADEMIC DISTRESS ([Miller, J.](#), [Jones, D.](#))

To dissolve academic distress commissions and to instead require the creation of community learning centers for buildings in low-performing school districts.

83-12

HCR 8

CRASH INDICATORS ([Schaffer, T.](#))

To urge Congress to encourage the Administrator of the FMCSA to change the crash indicator BASIC regulation standards to consider only crashes in which the driver was at fault for the crash.

96-0

RESIGNATION ACCEPTED

REP. STEVEN ARNDT, REPUBLICAN, 89TH DISTRICT, EFFECTIVE
JULY 31, 2019

REP. SARAH LATOURETTE, REPUBLICAN, 76TH DISTRICT,
EFFECTIVE MAY 5, 2019

REP. GLENN HOLMES, DEMOCRAT, 63RD DISTRICT, EFFECTIVE

SENATE ACTIVITY REPORT

PASSED

SB 33

CRITICAL INFRASTRUCTURE ([Hoagland, F.](#))

To modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility.

24-8 (Earlier REPORTED (See separate story))

SB 45

MONTH DESIGNATION ([Hackett, B.](#))

To designate the month of April as "Ohio Native Plant Month."

32-0

SB 120

PERFORMANCE AUDITS ([McColley, R.](#), [Rulli, M.](#))

To authorize the Auditor of State to conduct performance audits of any and all state institutions of higher education.

32-0 (Earlier REPORTED)

SB 123

FOSSIL FISH ([Dolan, M.](#), [Manning, N.](#))

To designate the Dunkleosteus terrelli as the official state fossil fish.

32-0

REFERRED

[Agriculture & Natural Resources](#)

HB 59

MONTH DESIGNATION ([Wiggam, S.](#))

To designate the month of April as "Ohio Native Plant Month."

[Education](#)

SB 121

HEALTH STANDARDS (Sykes, V., Kunze, S.)

To require the State Board of Education to adopt health education standards and to require that only statewide venereal disease education standards and curriculum be approved by the General Assembly.

Finance

SB 128

SCHOOL CHOICE (Huffman, M.)

To make changes to the Educational Choice Scholarship Program and the Cleveland Scholarship Program.

SB 137

INDUSTRIAL PARK FUND (Peterson, B., Hoagland, F.)

To reinstate the rural industrial park loan fund and to make an appropriation.

Government Oversight & Reform

HB 66

THEFT VICTIMS (Merrin, D.)

To enact the "Theft Victims' Restitution Act" to allow restitution for the cost of accounting or auditing done to determine the extent of a victim's economic loss.

SCR 3

STATEHOUSE MONUMENT (Williams, S.)

To declare the intent of the State of Ohio to secure a Memorial monument from the National Memorial for Peace and Justice Monument Placement Initiative to be installed on the grounds of the Statehouse.

Health, Human Services & Medicaid

SB 126

CRISIS ASSESSMENTS (Manning, N.)

To authorize a mental health professional to provide a crisis assessment, without parental consent, to a minor who is or is believed to be suicidal and to make an appropriation to support the employment of social workers or mental or behavioral health professionals at educational service centers.

SB 130

CONVERSION THERAPY (Maharath, T.)

To prohibit certain health care professionals from engaging in conversion therapy when treating minor patients.

Judiciary

HB 61

PUBLIC RECORDS (Lanese, L., Liston, B.)

To include forensic mental health providers, mental health evaluation providers and regional psychiatric hospital employees as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

SB 133

PRISON LAWS (O'Brien, S., Manning, N.)

To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Transportation, Commerce & Workforce

SB 127

ELEVATOR LAW (Uecker, J., Yuko, K.)

To revise the Elevator Law.

SB 129

ROAD NAMING (Rulli, M.)

To designate a portion of State Route 224 in Mahoning County as the "Joseph K. Vrabel 'Ohio Veterans Hall of Fame' Memorial Highway."

SB 132

GAS TAX ALLOCATIONS (Williams, S.)

To modify the amount of revenue derived from any increase in the motor fuel tax rate that is allocated to local governments and to change the manner in which that revenue is divided between municipal corporations, counties, and townships.

Ways & Means

HB 18

DISABILITY PAYMENTS (Vitale, N., Crawley, E.)

To exempt from the income tax disability severance payments received by honorably discharged veterans.

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

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From: stouder@frontier.com
To: [State Senator Frank Hoagland](#)
Subject: I want to share my thoughts on an issue or piece of legislation.
Date: Friday, March 15, 2019 3:36:21 PM

First Name : Alan

Last Name : Stouder

Address : 205 W.North Ave.

City : Pioneer

State : OH

Zip : 43554

Phone : (419) 551-6398

Email : stouder@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

Sir,

Concerning SB33, Sec. 2909.10 paragraph D & F.

I was wondering the intent of deleteing these two paragraphs which are specfic to Trespassing on Railroad property and the penalty involved. Does Sec.2911.21 of this bill include & cover the enforcement of & penalties for trespassing on railroad property. Or does deleting paragraph D of Sec. 2909.10 make trespassing on railroad property no longer a crime.

Thank you for your time and consideration in this matter.

Alan Stouder

From: rjoyo@aol.com
To: [State Senator Theresa Gavarone](#)
Subject: I want to share my thoughts on an issue or piece of legislation.
Date: Wednesday, May 01, 2019 9:05:39 AM

First Name : Robin

Last Name : Scott

Address : 5777 EAGLE TRACE DR

City : SYLVANIA

State : OH

Zip : 43560

Phone : (419) 509-8340

Email : rjoyo@aol.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
Please vote no on SB 33. This is clearly an attempt to limit a constitutional right to free speech and protest. Thank you for your consideration.

From: newlinn09@gmail.com
To: [State Senator Frank Hoagland](#)
Subject: I want to share my thoughts on an issue or piece of legislation.
Date: Saturday, April 13, 2019 9:56:45 AM

First Name : Linda

Last Name : New

Address : 26367 Locust Drive

City : Olmsted Falls

State : OH

Zip : 44138

Phone : (XXX) XXX-XXXX

Email : newlinn09@gmail.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
Senate Bill 33

Since November 2016 unprecedented numbers of protests have taken place in our country. With pipelines contaminating our soil and water, unconventional drilling threatening our air, and injection wells leaking dangerous waste into the ground, these protests have grown louder. In the past two years, people have lifted their voices against the damage done by extreme methods of fossil fuel extraction and the dangerous byproducts of continued oil and gas expansion. People in our country have a right to be heard.

Our elected officials should be engaging with their constituents and listening to the concerns these protesters are bringing to them. Elected officials are responsible for representing and acting according to the will of the community. The First Amendment guarantees the right of the people to assemble, the right to speak freely, and the right to petition the government. It is through these First Amendment rights that people bring their concerns to the attention of the government.

Instead of representing the interests and concerns of Ohioans, you are attempting to define peaceful protests as felony offenses when a protest might lower the profits of privately owned companies that are connected to fossil fuel industry.

Senate Bill 33 specifically protects private oil and gas companies who come to Ohio, drill through our shale, tear up our land for pipelines, pour toxins into our air and water, then take their oil and gas out of Ohio to be sold elsewhere. In Senate Bill 33, "critical infrastructure" is specifically defined as any resource that might be needed by an oil and gas company drilling in Ohio or any resource that might be needed by polymer manufacturing facilities in Ohio. Senate Bill 33 proposes turning any effective objection to oil and gas corporations in Ohio into a felony offense and increasing fines to ten times the maximum allowable amount.

Senate Bill 33 is an unconstitutional suppression of our right to protest. Ohioans depend on unpolluted watersheds, thriving forests, clean air, and healthy soil. We have every right to object when private companies threaten these natural resources of air, soil, and water on which we have built our communities.

Senate Bill 33 does not represent the interests of Ohioans and will degrade the health of our families,

our cities, and our state. Its goal is to maintain profits for national and international corporations. This bill should never become law in Ohio.

Linda New
April 12 2019

From: [Baker, Stephanie](#)
To: [Loccisano, Giovanna](#); [Burke-Onda, Regan](#)
Date: Thursday, April 18, 2019 10:10:30 AM

<https://www.cleveland.com/letters/2019/04/protect-ohioans-right-to-protest-at-oil-and-gas-facilities-oppose-senate-bill-33-letter-to-the-editor.html>

Stephanie Baker

Ohio Senate
Majority Caucus
(614) 466-7186

From: [Ivars Balkits](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: No on Ohio Senate Bill 33
Date: Monday, April 01, 2019 3:57:41 PM

Dear Senator:

I urge you in your role as member of the Senate Judiciary Committee to kill free-speech-chilling Ohio Senate Bill 33. It appears the aim of the bill is to intimidate those who draw attention to their concerns for the environment through legitimate organizing as well as acts of civil disobedience. Trespassing and vandalism are already covered by existing laws.

Please raise the standard for public health and citizens' rights to protect their families from the effects of climate change and harmful pollution of water and air in Ohio. Thank you.

Ivars Balkits

7779 Clarks Chapel Road
Athens, OH 45701

From: [Ivars Balkits](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Ivars Balkits

7779 Clarks Chapel Road
Athens, OH 45701

From: [Drake Chamberlin](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Official Testimony regarding SB 33
Date: Monday, April 08, 2019 1:36:38 PM

Dear Senator Eklund,

I am submitting my testimony regarding SB 33.

This aggressive proposal is not only Un-American, but positively Anti-American.

That this horrific law has continued to be proposed and supported by some of our Ohio legislators is truly alarming. Where are the values that have made our country the land of the free?

There are already laws that deal with trespassing and vandalism. This bill is an obvious attempt to protect special interests at the expense of the health and well-being of Ohio's citizenry. If passed into law, this new bill would override our basic rights as citizens of the United States of America.

Please vote against this truly reprehensible proposal.

Thank you,

Drake Chamberlin
12788 New England Rd
Amesville, OH 45711

From: [Drake Chamberlin](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Drake Chamberlin
12788 New England Rd
Amesville, OH 45711

From: [S. Stark](#)
Cc: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Official Testimony regarding SB 33
Date: Sunday, April 21, 2019 1:40:42 PM
Attachments: [SB 33 testimony, 4-2019.pdf](#)

Dear Senator Eklund,

As I do not see that my testimony has been recorded in the Ohio Senate archives on this bill, I am resending this testimony.

I am taking time from my inordinately busy life today to write to you to give record of my testimony regarding SB 33.

I have followed the progression of this supremely un-American legislation since its first iteration in the seriously flawed SB 250, last year.

That this un-American law has continued to be proposed and supported by some of our Ohio legislators is truly alarming to me, causing me to question the moral integrity and competence of those who have been entrusted with the responsibility to act on behalf of Ohio citizens.

On its face, this proposed legislation is an obvious attempt to intimidate, muzzle, and punish dissident opinion. It is extreme in its punishment. Laws are already on the books to deal with trespassing and vandalism. To draft a law that protects commercial interests over residents' concerns, and then remove the ability of redress by those residents when the commercial operations threaten residents' quality of life, is tantamount to fascism. It is incompatible with our most basic lawful rights and legal protections, on both the state and federal levels.

If there are those in the halls of the Ohio Congress who wish to remove the most basic and sanctified rights of the state's people to voice their disapproval when other methods have not proven successful—civil disobedience, which is the hallmark of a healthy, functioning democracy—then, those legislators are suspect of abuse of their privilege to represent the people.

I ask you to review our great country's essential documents, such as the Declaration of Independence and US Constitution. I ask you review classic historical issues like The Boston Tea Party. I ask you to honor your position of responsibility and authority to deny any such attempts to muzzle dissidence, diversity of opinion, and civil disobedience.

Thank you for your considerate attention. I hope to hear that you have supported a healthy, democratic future for our great state of Ohio.

Sincerely,

Shelley Stark

~~~~~  
*Shelley Stark*  
*PO Box 4*  
*32 N. Franklin St.*  
*Amesville, OH 45711*  
*H/O: 740-448-7552*

**From:** [S. Stark](#)  
**Cc:** [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)  
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**Date:** Sunday, April 21, 2019 1:40:42 PM  
**Attachments:** [SB 33 testimony, 4-2019.pdf](#)

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Sincerely,

Shelley Stark

~~~~~  
Shelley Stark
PO Box 4
32 N. Franklin St.
Amesville, OH 45711
H/O: 740-448-7552

From: [Ohio Chamber](#)
To: [State Senator Frank Hoagland](#)
Subject: Ohio Chamber Legislative Update - Tax Increase on Small Business Pending May 6
Date: Monday, May 06, 2019 12:06:31 PM

[banner002.jpg](#)



May 6, 2019

Read about the issues that impact your business.

We're All For

Preserving the Business Investment Income Deduction

[school_computers_19304.jpg](#)

House Changes to Budget Bill Include \$193 Million Tax Increase on Small Business Owners

On Thursday, the House Finance Committee revealed its first changes to the state budget, House Bill 166. Not surprisingly, the bill now contains numerous policy changes not in the as-introduced version of the budget first proposed by Gov. DeWine back in April. [Continue reading.](#)



[Click here](#) to learn about the top bills we are following.

We're All for Providing Information

Be sure to read our latest blog posts on [allforohio.com](#) for additional information that is of interest to Ohio Chamber members.

image

image

image



Changes Made to Ohio Clean Air Program - The House Energy and Natural Resources Subcommittee on Energy Generation adopted

Ohio Small Business Council Offers Continued Support for Insurance Bill - Last week, the Ohio Small Business Council (OSBC)

Critical Infrastructure Bill Passes Senate - On May 1, the Ohio Senate passed Senate Bill 33, the critical infrastructure bill that we

their substitute version of House Bill 6 (Sub. HB 6), a major piece of energy legislation. [Read about the changes.](#)

offered support through written testimony and a letter of support for Senate Bill 9. [Read more about this legislation.](#)

support and designated a Key Vote. [Read more about this Key Vote legislation.](#)

Call To Action

The House Finance Committee is expected to vote on their version of the state's budget on Tuesday. In this version, the House included a change to the Small Business Investor Income Deduction that would raise taxes on Ohio's small businesses. Currently, small business owners of pass-through entities can deduct 100% of the first \$250,000 of business income from their personal income tax return. The proposed change would reduce that deduction to \$100,000 which would result in small business owners paying nearly \$200 million more per year in income taxes.

Contact your legislators to let them know you don't support raising taxes on Ohio's job creators by participating in our Call to Action by [clicking here](#).

Contact Ohio Chamber Lobbyists

Keith Lake, Vice President Government Affairs

klake@ohiochamber.com

Zack Frymier, Director Energy & Environmental Policy

zfrymier@ohiochamber.com

Kevin Boehner, Director, Small Business & Workforce Policy

kboehner@ohiochamber.com

Kevin Shimp, Director, Labor & Legal Affairs

kshimp@ohiochamber.com

Tony Long, Director, Tax & Economic Policy

tlong@ohiochamber.com

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From: [Ohio Chamber](#)
To: [State Senator Frank Hoagland](#)
Subject: Ohio Chamber Legislative Update March 25
Date: Monday, March 25, 2019 9:06:22 AM

[banner002.jpg](#)



March 25, 2019

Read about the issues that impact your business.

We're All For

Parity Between Gasoline and Diesel Fuel Tax; Adequate & Reliable Transportation Funding

[school_computers_19304.jpg](#)

Senate Restores Parity in the Motor Fuel Tax Rates, Passes 6 Cent Increase

Prior to passing House Bill 62 (the Transportation Budget) by a vote of 24-6, the Senate heard the concerns of the Ohio Chamber of Commerce and restored parity between the gasoline and diesel fuel tax. [Continue reading.](#)



[Click here](#) to learn about all of the bills we are following.

We're All for Providing Information

Be sure to read our latest blog posts on [allforohio.com](#) for additional information that is of interest to Ohio Chamber members.

[image-310.gif](#)

[Clock_163084.jpg](#)



Chamber Urges Swift Passage of Critical Infrastructure Bill

The Senate Judiciary Committee heard testimony last week on Senate Bill 33, legislation that strengthens protections for critical infrastructure. [Continue reading.](#)

The House Reintroduces Reform of Real Property Tax Valuation Appeals Process

Currently, Ohio is only one of a handful of states that allow a third party to initiate complaints against real property owners. [Continue reading.](#)

image-310.gif

image-310.gif



Legislation Creates Incentives for Opportunity Zone Investors

One of the Ohio Chamber's tax public policy priorities is the incentivization of Opportunity Zones to drive investment into the state of Ohio.

[Read more.](#)

OSBC Supported Legislation Passes Ohio Senate

On March 21, the Ohio Senate unanimously passed Senate Bill 9; legislation that would require a health plan issuer to release each group policyholder's monthly claims data. [Read more.](#)

Contact Ohio Chamber Lobbyists

Keith Lake, Vice President Government Affairs

klake@ohiochamber.com

Zack Frymier, Director Energy & Environmental Policy

zfrymier@ohiochamber.com

Kevin Boehner, Director, Small Business & Workforce Policy

kboehner@ohiochamber.com

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kshimp@ohiochamber.com

Tony Long, Director, Tax & Economic Policy

tlong@ohiochamber.com

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From: [Ohio Municipal League](#)
To: [Baker, Joseph](#)
Subject: Ohio Municipal League Legislative Bulletin
Date: Friday, April 12, 2019 1:02:50 PM

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April 12, 2019

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- This week, Gov. DeWine signed SB 23, also known as the "Heartbeat Bill." This legislation bans all abortions after a detectible fetal heartbeat and is notable as it is one of the toughest restrictions on abortions in the country. Various civil liberty groups have already begun the process of challenging the enactment of this legislation in the courts.
- Since the beginning of the 133rd General Assembly in January, League staff has had 79 meeting with members of the Ohio House of Representative and Senate to impress upon members the important issues facing Ohio's cities and villages. League staff will meet with legislators we have not had an opportunity to sit down with to continue to emphasize the need to rebuild the partnership between the state and Ohio's municipalities
- U.S. News has ranked Cincinnati as "one of the best places to live" in the country, ranking 39th on the 125 Best Places to Live in the USA.

BUDGET BILL CONTINUES HEARING PROCESS

This week, various House Finance Subcommittees once again held hearings for

different aspects of HB 166, the State Operating Budget Bill. The League testified before the House Finance Subcommittee on Agriculture, Commerce and Development. You can read that testimony in full [HERE](#).

The League's Legislative Advocate Thomas Wetmore, who delivered the testimony, outlined the measures in the executive proposal that the League supports, including the H2Ohio fund allocating \$900 million for water quality issues across the state and funding local crisis services from the General Revenue Funds (GRF) rather than diverted Local Governments Funds (LGF).

The League's testimony also explained our opposition to several provisions in the executive budget proposal. The foremost issue for municipalities in the budget proposal is language dealing with net profit estimated payments being centrally collected by the state via the Ohio Business Gateway (OBG). The language states that when a municipality receives a negative distribution from the state, the municipality must pay the amount of the deficiency to the state to balance the state's books or else the state will seize other municipal funds.

In testimony, the League urged that the language be removed from the budget bill and placed in separate legislation. The issue is complex and the language as written does not adequately parse out both the true source of the problem and the correct solution. This complicated situation deserves to be vetted separately rather than be drowned out by the rest of the budget bill.

President of the League's Municipal Income Tax Committee and Dublin Tax Administrator Kevin Robison also offered testimony arguing that the net profits estimated payments language be removed from the budget bill and be vetted properly through the legislative process as a separate bill. His testimony explains that one of the primary causes of negative distributions to municipalities is the result of poor programming in the OBG. You can read his testimony in full [HERE](#).

The League also testified in opposition to a provision in the budget bill that zeros out fee offsets for local governments participating in Multi-Agency Radio Communication (MARCS). These fee offsets allow small cities and villages to participate in MARCS. If these municipalities cannot participate, the result would be a lack of connectivity across the state that would endanger Ohio lives in emergency situations. The League asked that funding for the fee offset be restored.

HB 166 will continue to receive hearings next week, and we will continue to keep our members apprised of any updates as the budget bill moves through the legislative process.

NATIONAL LEAGUE OF CITIES CONDUCTS CENSUS SURVEY FOR CITY LEADERS

The National League of Cities (NLC) is conducting a very short survey to identify Census leads in cities and villages across the nation and to understand what stage they are at in their work.

The League is encouraging our members to fill out this survey as it is an important part of adequately preparing municipalities for the 2020 Census. NLC is committed to supporting a fair and accurate 2020 Census, which will be underway in less than twelve months. This survey will help capture how municipalities are preparing for 2020 and help inform NLC how to better target their resources to support cities, towns and villages.

The survey can be found at [NLC Local Census Preparedness Survey](#). For more resources on how to prepare your municipality for the 2020 Census, read "[Five Ways to Prepare Your City for Next Year's Census](#)." and this blog post [HERE](#).

RARE PAGANINI VIOLIN TO VISIT COLUMBUS FROM SISTER CITY GENOA, ITALY

The Greater Columbus Sister Cities International (GCSCI), along with the Columbus City Council, the Harold C. Schott Foundation and the Greater Columbus Arts Council, will be hosting the Paganini violin from Columbus's Sister City of Genoa, Italy. Paganini's "Il Cannone" violin will be held at the Columbus Museum of Art from May 11-19.

This 276-year-old violin is the world's most famous violin and has only visited the United States twice before, once in New York City and once in San Francisco. It has not been in the United States since 2003. It is famous for being owned by Niccolò Paganini, who is sometimes referred to as the "devil's violinist" because people thought he had made a deal with the devil to play so well. The violin got its nickname, "Il Cannone", because its sound as powerful as a cannon

Paganini's violin will also be played during a public performance by the Columbus Symphony on Wednesday, May 15 at the historic Ohio Theatre. The concert will be directed by Music Director Rossen Milanov with the Columbus Symphony and will feature Joanna Franke, Concertmaster of the Columbus Symphony. Franke is one of few female concertmasters in the United States and was selected during a very competitive process to be chosen to play this priceless instrument.

This is a once in a lifetime chance to both see and hear this violin in Columbus as it is extremely fragile and rarely travels outside of Italy. Columbus was selected for the honor thanks to the strong sister city connection between Genoa and Columbus. The Mayor of Genoa, Mayor Marco Bucci, will be traveling with the violin to attend this historic concert along with Columbus Mayor Andrew Ginther.

Tickets will start at \$10 and can be purchased at www.columbussymphony.com. Visit www.columbussistercities.com to learn more about this unique exchange.

BILLS PASSED BY OHIO SENATE

Here are the bills impacting municipalities that were passed by the Ohio Senate this week:

- SB 31 - PUBLIC RECORDS LAW. Sponsored by Sen Roegner (R - Hudson), would include emergency service telecommunications as individuals whose residential and familial information is exempt from disclosure under the Public Records Law. The bill was passed unanimously and now heads to the House for consideration. The League is neutral on this legislation.

BILLS OF MUNICIPAL INTEREST INTRODUCED THIS WEEK

Here are the bills impacting municipalities that were introduced this week:

- HB - FIBER BROADBAND DEVELOPMENT. Sponsored by Rep. Smith (R - Bidwell), would create the OhioBroadband Development Grant Program, encourage the Department of Transportation to work with telecommunications providers to lay fiber optic cable, and make an appropriation.

COMMITTEE UPDATE: BILLS OF MUNICIPAL INTEREST

Here are the bills of municipal interest that received hearings in committee this week:

- HB 163 - WATER/SEWER SERVICE. Sponsored by Rep. Brinkman (R - Cincinnati), would create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service. During its first hearing before the House Public Utilities Committee, the bill's sponsor said the bill would prevent municipalities from "rate gouging" municipal water works by allowing townships or municipalities to file a civil action to declare a municipal water system "non-compliant." The League is opposed to this legislation.
- HB 143 - TAX CREDIT - PEACE OFFICERS. Sponsored by Rep. Keller (R - Middletown) and Rep. Cera (D - Bellaire), would grant income tax credits to persons who serve as volunteer peace officers, firefighters, or emergency medical technicians. During its first hearing before the House Ways and Means Committee, the bill's sponsors explained the bill both shows current volunteers the state's appreciation and incentives volunteerism in others. The League is supportive of this legislation.

- **HB 75 - PROPERTY VALUE CONTESTS.** Sponsored by Rep. Merrin (R - Monclova Township), would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. During its fourth hearing before the House Ways and Means Committee, joint opponent testimony was heard from the Ohio Association of School Business Officials, the Ohio School Board Association and the Buckeye Association of School Administrators. Opponents objected that the bill would politicize the process of re-evaluating property values and create bureaucratic hurdles for local governments. The bill was passed out of committee by a vote of 11-9.
- **HB 76 - ELECTION NOTICES.** Sponsored by Rep. Merrin (R - Monclova Township) would enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies. During its fourth hearing before the House Ways and Means Committee, the bill was amended to clarify language prohibiting bolded words or different text sizes on ballots. Joint opponent testimony was given by the League, the Ohio Township Association and the Ohio Library Council. You can read that testimony [HERE](#). Opponents said the bill will create situations where voters miscalculate what taxes they as an individual will owe if a levy would pass. The bill as passed out of committee by a vote of 12-7.
- **SB 33 - CRITICAL INFRASTRUCTURE.** Sponsored by Sen. Hoagland (R - Adena), would modify certain criminal offenses with respect to critical infrastructure facilities and impose fines and civil liability for damage to a critical infrastructure facility. During its fourth hearing before the Senate Judiciary Committee, multiple opponents testified against the bill. The League is supportive of this legislation.
- **HB 149 - TAX EXEMPTION.** Sponsored by Rep. Merrin (R - Monclova Township), would enact the "Affordable Homebuilding and Housing Act" to temporarily exempt from property tax the increased value of land subdivided for residential development. During its second hearing before the House Economic & Workforce Development Committee, representatives from the Ohio Home Builders Association and the Ohio Real Estate Investors Association testified in support of the bill. The League is opposed to this legislation.
- **HB 152 - TAX LEVIES.** Sponsored by Rep. Brinkman (R - Cincinnati), would require certain subdivisions to obtain the approval of the body that created the subdivision before levying a tax. During its first hearing

before the House State and Local Government Committee, the bill's sponsor said the bill prevents political subdivisions from placing levies on the ballot with "zero checks and balances." The League is still looking into this legislation.

- SB 10 - THEFT IN OFFICE. Sponsored by Sen. Wilson (R - Maineville), would expand the penalties for theft in office based on the amount stolen and include as restitution audit costs of the entity that suffered the loss. During its first hearing before the House Criminal Justice Committee, the bill's sponsor once again explained the bill's intention to ensure proper penalties are dealt to those who steal from taxpayers while in office and ensure the thief must pay restitution once penalized. The League is supportive of this legislation.

DUE TO THE GENERAL ASSEMBLY BEING ON BREAK THERE WILL BE NO COMMITTEE SCHEDULE FOR THE WEEK OF APRIL 15, 2019.

Ohio Municipal League Meetings & Trainings

OML/OMAA WEBINAR
Collective Bargaining
April 11, 2019

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April 5, 2019

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- The Governor's Executive Budget proposal for FY 20-FY 21 projects that the economic expansion that started in 2009 will extend at least through the end of FY 19. If it were to last through July 2019, it will match the longest economic expansion on record, which lasted 120 months in the 1990s.
- The state has issued 11 businesses tax credits for expansion. The tax credits are projected to create 1,715 new jobs, retain 1,448 current jobs, generate \$94 million in new payroll and attract \$463 million in additional investments.
- Governor DeWine and Director of Public Safety Tom Stickrath have announced that 445 law enforcement agencies have voluntarily adopted statewide minimum standards on the use of force, deadly force hiring and recruitment. Another 49 agencies are currently in the process of adopting the same standards.

TRANSPORTATION BUDGET SIGNED BY GOVERNOR WITH GAS TAX INCREASE

This Wednesday, Gov. DeWine signed Sub. HB 62, the \$8.5 billion Transportation Budget, into law. The bill had been finalized and passed by a conference committee on Tuesday. The bill then proceeded to the House, where it was passed by a vote of 70-27. Afterwards it was concurred upon by the Senate by a vote of 22-10 and sent to the

Governor's desk for his signature.

The Ohio Department of Taxation has created a spreadsheet with the distribution amounts to each municipality under the new gas tax increase over the biennium. You can access that spreadsheet [HERE](#).

Sub. HB 62 increases the motor fuel tax to 10.5 cents and increases the diesel fuel tax to 19 cents. This new amount is estimated to generate an increase of \$865 million in motor fuel tax revenue annually. The increase will go into effect on July 1 and will be divided between the state and local governments in a new 55%-45% split respectively, as opposed to the current 60%-40% split. Of the \$865 million and with the split percentages, the state will receive \$524 million while local governments will receive \$381 million.

Here are the other provisions in the final version of Sub. HB 62 impacting municipalities:

- \$5 permissive licensing fee for municipalities and townships
- Funding public transit at \$70 million for funding public transit
- \$200 and \$100 fees for electric and hybrid vehicles respectively.
- Creates the Ohio's Roads to Our Future Study Committee.
- Retains local control of e-scooters
- Changes administrative practices and allows the state to reduce LGF revenue distribution amounts for use of Red Light Cameras
- Removes \$5 million relief funding from Oil and Gas Fund to communities impacted by fracking

The final version of the bill unfortunately still contained the language penalizing municipalities operating red light cameras by altering the administrative hearing process and reducing LGF distributions equal to the revenue collected through violations enforced via this constitutionally sanctioned technology. League Director Scarrett sent a letter to Governor DeWine requesting a line-item veto of this provision on the grounds that the language challenges the authorities delegated to municipalities through the Ohio Constitution's Home Rule provisions and unduly punishes municipalities from employing smart technology to better protect the public. You can read that letter [HERE](#).

We believe this significant change in state policy should not have been re-inserted into the budget bill, especially considering the Supreme Court very recently upheld that the municipal operation of traffic cameras was protected by the right to Home Rule under the Ohio Constitution. Instead, the issue should have been introduced as separate legislation so that the issue could be vetted and impacted municipalities could be given an opportunity to educate members of the General Assembly on what this punitive language would mean to their communities. Ultimately, there were no vetoes granted.

The League greatly appreciate the leadership of Governor DeWine and the members of the Ohio General Assembly to address the critical issues facing Ohio's local and state transportation infrastructure with the securing of new funding. The new revenues from the increased motor fuel tax will help Ohio municipalities rebuild our crumbling

infrastructure and will provide greater economic development opportunities statewide.

We encourage our members reach out to Governor DeWine and their legislative delegations with their thanks for the investment made in the future of our communities via Sub. HB 62.

STATE OPERATING BUDGET BILL HEARD IN HOUSE FINANCE SUBCOMMITTEES

This week, the State Operating Budget, HB 166, had a series of hearings in various House Finance subcommittees. These hearings granted the opportunity for various departments and agencies to present on the provisions in the budget bill that affect them.

The Ohio Department of Taxation (ODT) testified before the House Finance Transportation Subcommittee on their budget request for the biennium. Municipalities should note two of the priorities Tax Commissioner McClain outlined in his testimony. The first item of note is the ODT's priority to enhance the secure portal connecting ODT with local governments that facilitates the electronic transfer of the municipal net profits tax data to and from municipalities.

ODT wants to create a means within the portal to collect historical data from municipalities regarding the net profits tax, as well as including other local government data exchanges that are as yet unspecified. ODT also wants to update the system used to administer the Municipal Income Tax for Electric Light Companies and Local Exchange Telephone Companies (MELT). You can read Tax Commissioner McClain's testimony [HERE](#).

Department of Administrative Services (DAS) Director Matt Damschroder testified in support of the executive budget recommendations for funding DAS. In his testimony he noted DAS's involvement with InnovateOhio, which in part works with local governments to attract businesses to invest in Ohio, Opportunity Zones and the Ohio Business Gateway, which administers the centralized collection of the municipal net profits income tax. You can read Dir. Damschroder's full testimony [HERE](#).

The Executive Director of the Ohio Board of Tax Appeals, Kathleen Crowley, testified in support of their executive budget request, citing the role of the Board to resolve cases from the Ohio Tax Commissioner, all 88 counties and all municipalities with an income tax. You can read her full testimony [HERE](#). Director Jack Marchbanks of the Ohio Department of Transportation testified in support of the executive budget request to fund other modes of transport besides roads and bridges, including public transit. You can read his testimony [HERE](#). The League will continue to update our members on relevant aspects of the budget as it moves through the legislative process.

SENATE PASSES LEGISLATION IMPACTING MUNICIPALITIES

Here are the bills passed by the Senate this week that are of municipal interest:

- **SB 52 - CYBER SECURITY.** Sponsored by Sen. Gavarone (R - Bowling Green), would create the civilian cyber security reserve forces, make the Secretary of State a member of the Homeland Security Advisory Council, require the Secretary of State to appoint a chief information security officer, require the boards of elections to audit election results, and make an appropriation. During its fourth hearing before the Senate Government Oversight and Reform Committee, the bill was voted unanimously out of committee. The bill was passed on the Senate floor unanimously. The League is supportive of this legislation.
- **SB 8 - OPPORTUNITY ZONES.** Sponsored by Sen. Schuring (R - Canton), would authorize tax credits for investments in an Ohio Opportunity Zone. During its fifth hearing before the Senate Ways and Means Committee, the bill was first amended to further apply its provisions if the federal government expands the program as well as adjusting the review processing period to 60 days before it was voted unanimously out of committee. The bill was then passed on the Senate floor unanimously. The League is supportive of this legislation.

INTRODUCED: BILLS OF MUNICIPAL INTEREST

Here is a bill introduced this week that impacts municipalities:

- **HB 187 - TAX ISSUES - AUGUST.** Sponsored by Rep. Merrin (R - Monclova Township) and Rep. Wiggam (R - Wooster), would prohibit local tax-related proposals from appearing on an august special election ballot.

COMMITTEE RECAP: BILLS OF MUNICIPAL INTEREST

Here are the bills impacting municipalities that received committee hearings this week:

- **SB 39 - INSURANCE TAX.** Sponsored by Sen. Schuring (R - Canton), would authorize an insurance premiums tax credit for capital contributions to transformational mixed use development projects. During its second hearing before the Senate Finance Committee, proponents from investment and development companies testified in support of the bill. The League also

submitted written proponent testimony, which you can read [HERE](#).

- **SB 50 - SOLID WASTE FEES.** Sponsored by Sen. Eklund (R - Chardon), would increase state solid waste disposal fee that is deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation. During its second hearing before the Senate Finance Committee, a representative from the Geauga County Soil and Water Conservation District testified in support of the bill. The League is still looking into this legislation.
- **HB 159 - PUBLIC IMPROVEMENTS - INDEMNITY PROVISIONS.** Sponsored by Rep. Blessing (R - Cincinnati), would regulate the use of indemnity provisions in professional design contracts related to public improvements. During its first hearing before the House Civil Justice Committee, the bill's sponsor explained that it is designed to prevent design professionals from being "forced" to sign contracts with some state and local agencies that make them liable beyond what the law outlines. The League is still looking into this legislation.
- **HB 126 - SINGLE SUBJECT RULE TIMELINE.** Sponsored by Rep. Hillyer (R - Urichsville), would bar an action challenging an act for violation of the one-subject rule if it is commenced later than 275 days after the act's effective date. During its second hearing before the House Civil Justice Committee, no proponent testimony was given on this bill. The League is opposed to this legislation.
- **HB 75 - PROPERTY VALUES.** Sponsored by Rep. Merrin (R - Monclova Township), would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. During its third hearing before the House Ways and Means Committee, over a dozen representatives from Ohio school districts testified in opposition to the bill. The County Commissioners Association of Ohio submitted written opponent testimony, as did the League. You can read the League's opponent testimony [HERE](#).
- **HB 47 - PROPERTY TAX COMPLAINTS.** Sponsored by Rep. Greenspan (R - Westlake), would increase the time within which property tax complaints must be decided and to change the name of the Ohio Legal Assistance Foundation. During its third hearing before the House Ways and Means Committee, a representative from the County Auditor's Association of Ohio testified in support of the bill. The League also submitted written proponent testimony, which you can read [HERE](#).

- **HB 76 - ELECTION NOTICES.** Sponsored by Rep. Merrin (R - Monclova Township), would enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies. During its third hearing before the House Ways and Means Committee, the League submitted joint opponent testimony along with the Ohio Library Council, the Ohio Township Association, the Ohio School Board Association, the Ohio Association of School Board Officials and the Buckeye Association of School Administrators. You can read that opponent testimony [HERE](#).
- **SB 31 - PUBLIC RECORDS.** Sponsored by Sen. Roegner (R - Hudson), would include emergency service telecommunicators as individuals whose residential and familial information is exempt from disclosure under the Public Records Law. During its third hearing before the Senate Judiciary Committee, the bill was reported out of the committee. The League is supportive of this legislation.
- **SB 33 - CRITICAL INFRASTRUCTURE.** Sponsored by Sen. Hoagland (R - Adena), would modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility. During its third hearing before the Senate Judiciary Committee, multiple opponents to the bill testified against it saying it attempted to suppress free speech. The League is supportive of this legislation.
- **HB 149 - PROPERTY TAX EXEMPTION.** Sponsored by Rep Merrin (R - Monclova Township), enact the "Affordable Homebuilding and Housing Act" to temporarily exempt from property tax the increased value of land subdivided for residential development. During its first hearing before the House Economic and Workforce Development Committee, the bill's sponsor claimed it would incentivize homebuilding in Ohio. The League is opposed to this legislation
- **SB 105 - MASSAGE THERAPY.** Sponsored by Sen. Brenner (R - Powell), would make changes to the massage therapy licensing law. During its first hearing before the Senate Health, Human Services and Medicaid Committee, the bill's sponsor said it was modeled on multiple local ordinances that are designed to crack down on illegal activities at massage parlors by closing a loophole in current law allowing people to perform massages without a license. The League is supportive of this legislation

COMMITTEE SCHEDULE FOR THE WEEK OF APRIL 7, 2019

Tuesday, April 9, 2019

HOUSE WAYS AND MEANS

Tue., Apr. 9, 2019, 3:00 PM, Hearing Room 116
Rep. Schaffer: 614-466-8100

HB143** TAX CREDIT-VOLUNTEER SERVICE (KELLER C) To grant income tax credits to persons who serve as volunteer peace officers, firefighters, or emergency medical technicians.

First Hearing, Sponsor Testimony

HB75** PROPERTY VALUE CONTESTS (MERRIN D) To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners.

Fourth Hearing, All Testimony, POSSIBLE VOTE

HB76** BALLOT LANGUAGE UNIFORMITY (MERRIN D) To enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HOUSE FINANCE AGRICULTURE, DEVELOPMENT AND NATURAL RESOURCES SUBCOMMITTEE

Tue., Apr. 9, 2019, 3:30 PM, Hearing Room 018
Rep. Hoops: 614-466-3760

Committee will take testimony related to EPA, ODNR, ODAg and Lake Erie Commission.

HB166** OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

Seventh Hearing, All Testimony

HOUSE FINANCIAL INSTITUTIONS

Tue., Apr. 9, 2019, 5:00 PM, Hearing Room 113
Rep. Jordan: 614-644-6711

HB170** PAY FOR SUCCESS CONTRACTING (MANNING D) To require the Treasurer of State to administer the Pay for Success Contracting Program and to expand the purposes of the Program.

First Hearing, Sponsor Testimony

Wednesday, April 10, 2019

HOUSE FINANCE AGRICULTURE, DEVELOPMENT AND NATURAL RESOURCES SUBCOMMITTEE

Wed., Apr. 10, 2019, 10:00 AM, Hearing Room 017
Rep. Hoops: 614-466-3760

Agencies testifying:

- Development Services Agency
- Housing Finance Agency
- Architects Board
- Commission on Service and Volunteerism

HB166** OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

Eighth Hearing, Invited Testimony

Thursday, April 11, 2019

HOUSE FINANCE AGRICULTURE, DEVELOPMENT AND NATURAL RESOURCES SUBCOMMITTEE

Thu., Apr. 11, 2019, 10:00 AM, Hearing Room 017

Rep. Hoops: 614-466-3760

Committee will take all testimony.

OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium
HB166** beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions
for the operation of state programs.

Ninth Hearing, All Testimony

OHIO RETIREMENT STUDY COUNCIL

Fri., Apr. 12, 2019, 10:00 AM, TBA

Bethany Rhodes: 614-228-1346

Location to be announced. On the agenda: 2017 OP&F annual adequacy report: rules;

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March 29, 2019

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- Perrysburg Councilman Haraz N. Ghanbari has been appointed to fill the Third House District, which was vacated earlier this year by Sen. Theresa Gavarone (R - Bowling Green).
- This week, the Senate unanimously passed a bill legalizing hemp. SB 57, sponsored by Sen. Hill (R - Zanesville) and Sen. Huffman (R - Tipp City), decriminalizes hemp and hemp produces as well as establishing a hemp cultivation licensing program.
- Auditor of State Keith Faber has requested an increase of \$10 million in HB 166, the state operating budget bill to help offset the cost for local governments of state audits.

2019 OML LOBBYING DAY A SUCCESS

The League wants to thank all of the local leaders who came to Columbus this past Wednesday to participate in our Lobbying Day. Attendees were briefed by Executive Director Kent Scarrett on the pressing issues in both the Transportation Budget and the newly-introduced State Operating Budget before heading to previously-scheduled meeting with their legislative delegations.

Municipal leaders from across the state had the opportunity to share the stories and concerns of their local communities with state representatives and senators. These face-to-face conversations are not only powerful and effective lobbying efforts, but they create vital relationships between state and local leaders. Lobbying Day participants were able to forge new relationships with their legislators or strengthen existing relationships.

This new legislature and administration have made it clear they are interested in strengthening the partnership between local governments and the state. The local leaders who attended the League's Lobbying Day played a crucial step in building that relationship. We want to thank each municipal leader who took the time to come to Columbus and make important connections with state legislators, as the voices of local leaders will continue to play a vital role in policy making at the Statehouse in the months and years to come.

TRANSPORTATION BUDGET DELIBERATIONS CONTINUE

As of Friday afternoon, members of the conference committee for Sub. HB 62, the Transportation Budget, continue to deliberate over what will be included in the final language of the bill. The conference committee has had hearings on the calendar for the past two days, but have had to delay and ultimately cancel those meetings due to the inability to reach a consensus. The Legislative Service Commission has produced a comparison document listing the differences in the proposals for the transportation budget between the administration, House and Senate. It can be accessed [HERE](#).

There are a number of issues yet to be resolved in the legislation and several of those are matters important to Ohio municipalities; particularly what amount will finally be agreed upon for an increase in the gas tax. Yesterday, the Governor and the House reached an agreement of an 11-cent increase for the motor fuel tax and a 20-cent increase for the diesel fuel tax; however, thus far, the Senate has not agreed to those terms.

It remains unclear if the legislature will act on the bill today or will resume work next week. As of Friday afternoon, both the House and the Senate are scheduled to hold sessions today to receive the committee's report and vote to concur on the final transportation budget package.

We want to thank our members for reaching out to their members of the House and Senate to communicate the need for a greater investment in our roads and bridges. Your voices have been heard and have been instrumental in helping educate legislators on the critical condition Ohio's municipalities are in and the need to work together to find our way out of these challenges.

When final action is taken on the budget bill, we will alert our members.

LEAGUE IDENTIFIES ASPECTS OF GOVERNORS PROPOSED BUDGET AFFECTING MUNICIPALITIES

Late last week, Governor DeWine released his proposed State Operating Budget for FY 20 and FY 21. The legislation, HB 166, projects a total of \$150.4 billion in all funds appropriations, as compared to the previous budget, with \$132.8 billion in all funds appropriations.

General Highlights: As for General Revenue Fund (GRF) spending, Medicaid accounts for 23.8% of state funds allocated. Primary and secondary education accounts 34.6% of state spending. Gov. DeWine's proposed budget would appropriate \$550 million to partner local organizations and school in order to provide support services for students in need. This would include wraparound services, mental health counseling, after-school programs and health care.

The proposed budget would triple funding for indigent defense from \$30 million to \$90 million. Another substantial change is a proposal to increase the minimum age for tobacco purchasing from 18 to 21. This would reduce sales and use tax revenues by \$6.7 million over the biennium, while reducing the cigarette and OTP tax by \$33 million.

When rolling out the Governor's budget proposal, the administration noted that economic growth is projected to slow, due in part to Ohio's aging population. However, average wages seem to have risen, accounting for some of those demographic changes. The administration has based the budget on a slow but steady continued growth in existing revenue sources, with overall revenues projected to rise by 3.9% in FY 20 and 1.7% in FY21. The second year's projections are based on an anticipated national economic slowdown.

The bill contains several provisions impacting municipalities - both negatively and positively. We've listed them below:

Provisions supported by the League:

- **Local Government Fund (LGF) Increase:** The Governor's proposed budget includes a 9.1% increase to the LGF in FY 20 and a 1.8% increase in FY 21.
- **Tax Increment Financing (TIFS).** Would allow local governments to extend TIFS to an additional 30 years for large, high-impact developments.
- **Local Crisis Services.** Would fund local crisis services related to substance use disorder with General Revenue Funds (GRF) rather than diverting funds from the LGF.
- **Opportunity Zones.** Would conform Ohio law to include the Opportunity Zones established in the Tax Cuts and Jobs Act of 2017 for economically-distressed communities to attract businesses that will invest in revitalizing local communities.
- **Ohio Business Gateway (OBG).** Increases funding for the OBG by 295.34% in FY 20.
- **Local Government Audit Support.** Allocates \$10 million each fiscal year for local government audit support.
- **Bureau of Criminal Investigation (BCI) Lab Testing.** Allocates a total of \$21 million over the biennium for BCI lab tests, defraying the cost that would otherwise be passed to local governments.

Provisions opposed by the League:

- **Property Tax Replacement Phase-Out.** Would phase out the Property Tax Replacement for local governments. For FY19, the Property Tax Replacement was \$16.9 million.
- **Multi-Agency Radio Communication (MARCS).** MARCS provides state-of-the-art wireless digital communications to first responders and public safety providers and promotes interoperability. The Governor's proposal defunds the MARCS local government fee offset. The administration has not funded the local government fee offset for MARCS in the past; however, that funding was always restored by the General Assembly. The League is requesting that legislators restore the fee offset.
- **Municipal Net Profit Estimated Payments.** Mandates that if a municipality receives a negative distribution from the state for business net profit filings through the OBG, the municipality must pay the amount of the deficiency to the state to balance the state's books.

The bill has been assigned to the House Finance Committee. We strongly encourage our members to speak with their legislators about the need for addition LGF funding and that any municipal taxes changes should not be included in a state operating budget but rather should be addressed in separate, stand-alone legislation so that taxpayers and municipal revenues do not continue to suffer due to state imposed municipal tax changes buried in a 1,800plus page budget bill.

Components of the bill will be separated by subject matter and assigned to subcommittees for more detailed review. If you would like access to the bill language in full, click [HERE](#). Other budget related material can be found at www.obm.ohio.gov/budget.

As hearings on the bill begin and more information becomes available, the League will keep our members updated on the bill's proceedings through the legislative process.

NEW LEGISLATION: BILLS OF MUNICIPAL INTEREST INTRODUCED THIS WEEK

- **HB 169 - IMMIGRATION LAWS (AKA: SANCTUARY CITIES).** Sponsored by Rep. Keller (R - Middletown) and Rep. Antani (R - Miamisburg), would require state and local authorities to cooperate with the federal government in the enforcement of immigration laws, to sanction those that fail to do so, and to declare an emergency.
- **HB 163 - WATER/SEWER SERVICE.** This bill, which is almost identical to HB 62 from the previous GA which was introduced by Rep. Duffey, this version is sponsored by Rep. Brinkman (R - Cincinnati), would create a process for

withholding Local Government Fund (LGF) and state water and sewer assistance from municipal corporation that engage in certain water and sewer practice with respect to extraterritorial service.

COMMITTEE UPDATE: BILLS OF MUNICIPAL IMPACT

Here are the bill impacting municipalities that received committee hearings this week:

- **HB 47 - PROPERTY TAX COMPLAINTS.** Sponsored by Rep. Greenspan (R - Westlake), would increase the time within which property tax complaints must be decided and to change the name of the Ohio Legal Assistance Foundation. During its second hearing before the House Ways and Means Committee, representatives from the Ohio Legal Assistance Foundation and the Cuyahoga County Board of Revision testified in support of the bill. The League is supportive of this legislation.
- **HB 76 - ELECTION NOTICES.** Sponsored by Rep. Merrin (R - Monclova Township), would enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies. During its second hearing before the House Ways and Means Committee, a private citizen and a representative for Americans for Prosperity-Ohio of the bill argued the bill would help the average person understand ballot language. The League is opposed to this legislation.
- **HB 126 - SINGLE-SUBJECT RULE.** Sponsored by Rep. Hillyer (R - Urichsville), would bar an action challenging an act for violation of the one-subject rule if it is commenced later than 275 days after the act's effective date. During its first hearing before the House Civil Justice Committee, the bill's sponsor explained the bill would mandate that a single subject rule challenge could only be filed within one year of a bill's passage. The League is opposed to this legislation.
- **SB 31 - PUBLIC RECORDS.** Sponsored by Sen. Roegner (R - Hudson), would include emergency service telecommunicators as individuals whose residential and familial information is exempt from disclosure under the Public Records Law. During the bill's second hearing before the Senate Judiciary Committee, the bill was amended to include Ohio National Guard members operating remotely piloted aircraft as exempted as well. Proponents from the Ohio National Guard and the Ohio Fire Chiefs Association testified in support of the bill. The League is neutral on this legislation.

- **HB 84 - CAPITAL PROJECTS.** Sponsored by Rep. Holmes (D - McDonald), would expressly include, as eligible projects under the State Capital Improvements Program, water and sewer laterals located on private property. During its first hearing before the House state and Local Government Committee, the bill's sponsor explained the bill addresses the needs identified by the Ohio Public Works Commission years ago, where it was revealed that pipes on private property that tie in to main municipal lines need repaired or replaced. The League is supportive of this legislation.

BILLS OF MUNICIPAL INTEREST PASSED BY HOUSE AND SENATE

Here are the bills impacting municipalities that

- **SB 7 - OCCUPATIONAL LICENSING.** Sponsored by Sen. Lehner (R - Kettering) and Sen. Hackett (R - London), is regarding temporary state occupational licenses for members of the military and their spouses. The bill was voted out of the Senate unanimously.

COMMITTEE SCHEDULE FOR THE WEEK OF MARCH 31, 2019

Tuesday, April 2, 2019

SENATE FINANCE

Tue., Apr. 2, 2019, 2:30 PM, Senate Finance Hearing Room
Sen. Dolan: 614-466-8056

OR AFTER SESSION

[SB39](#)** MIXED USE DEVELOPMENT PROJECTS-TAX CREDIT (SCHURING K) To authorize an insurance premiums tax credit for capital contributions to transformational mixed use development projects.

Second Hearing, Proponent Testimony

[SB50](#)** INCREASE SOLID WASTE DISPOSAL FEE (EKLUND J) To increase state solid waste disposal fee that is deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.

Second Hearing, Proponent Testimony

HOUSE CIVIL JUSTICE

Tue., Apr. 2, 2019, 3:00 PM, Hearing Room 113
Rep. Hambley: 614-466-8140

[HB159](#)** INDEMNITY PROVISIONS-PUBLIC IMPROVEMENT CONTRACTS (BLESSING III L) To regulate the use of indemnity provisions in professional design contracts related to public improvements.

First Hearing, Sponsor Testimony

[HB126](#)** ONE-SUBJECT RULE TIMELINE (HILLYER B) To bar an action challenging an act for violation of the one-subject rule if it is commenced later than 275 days after the act's effective date.

Second Hearing, Proponent Testimony

SENATE WAYS AND MEANS

Tue., Apr. 2, 2019, 4:00 PM, Senate Finance Hearing Room
Sen. Terhar: 614-466-8068

SB8** TAX CREDITS-OHIO OPPORTUNITY ZONE (SCHURING K) To authorize tax credits for investments in an Ohio Opportunity Zone.
Fifth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

Wednesday, April 3, 2019

SENATE JUDICIARY

Wed., Apr. 3, 2019, 9:15 AM, North Hearing Room
Sen. Eklund: 614-644-7718

For SB33, committee will hear in-person testimony from the first five people to submit remarks, and accept any additional testimony as written-only.

SB31** PUBLIC RECORDS LAW EXEMPTION-EMERGENCY SERVICE
TELECOMMUNICATORS (ROEGNER K) To include emergency service telecommunicators as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.
Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

SB33** CRITICAL INFRASTRUCTURE FACILITIES OFFENSES (HOAGLAND F) To modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility.
Third Hearing, Opponent Testimony

SENATE HEALTH, HUMAN SERVICES AND MEDICAID

Wed., Apr. 3, 2019, 2:30 PM, South Hearing Room
Sen. Burke: 614-466-8049

SB105** MASSAGE THERAPY LICENSING (BRENNER A) To make changes to the massage therapy licensing law.
First Hearing, Sponsor Testimony

PLEASE CHECK OUR WEBSITE MONDAY FOR ANY CHANGES TO THE COMMITTEE SCHEDULE

Ohio Municipal League Meetings & Trainings

OML/OMAA WEBINAR
Collective Bargaining
April 11, 2019

[Registration Information](#)

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)
[Ashley Brewster, Director of Communications](#)
[Thomas Wetmore, Legislative Advocate](#)

Website/Bulletin Issues:

[Zoë Wade, Office Manager](#)

Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, OH 43215

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April 26, 2019

The Ohio General Assembly will be returning from their two-week break next week. Committee hearings are ramping back up, including Senate Finance subcommittees that continue to study components of HB 166, the State Operating Budget. The best opportunity for our members to come to Columbus and testify on municipal budget priorities will be when the full House Finance Committee reconvenes to hear testimony. We will alert our members when the full House Finance Committee will hold hearings on the budget and when our municipal officials can come testify to the priorities in their communities. In preparation for this opportunity, [HERE](#) are the issues that the League is following in the current version of the budget. We appreciate our members who continue to talk directly with their representatives and senators about the needs of their communities and the importance of rebuilding the municipal partnership with the state.

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- The U.S. Court of Appeals for the 6th Circuit has ruled that it is unconstitutional for a municipality to use chalk to mark tires in order to enforce local parking laws. The court's ruling states that marking a car tire to gather information is an action that would require a warrant and is a form of trespassing.
- Ohio ranks 47th in the nation for receiving federal health funding, according to a new study from the Trust for America's Health. Last fiscal year, Ohio received

\$207 million from the federal Centers for Disease Control and Prevention, which breaks down to \$17.68 per person.

- Rep. Steve Arndt (R - Port Clinton) has announced he will be resigning from the House of Representatives at the end of July in order to retire. Rep. LaTourette (R - Chagrin Falls) has also announced she will be resigning from the Ohio House to become the executive director of Gov. DeWine's Ohio Family and Children First Council.

GOVERNOR DEWINE ANNOUNCES OPPORTUNITY ZONE WEBSITE

This week, Governor DeWine announced the unveiling of a new website for firms interested in investing in Ohio Opportunity Zones. The Governor said the website was a part of the administration's initiative to do "everything in our power" to create Opportunity Zone deals that benefit from the federal incentive program created by the federal Tax Cuts and Jobs Act of 2017. Thus far, Ohio and the U.S. Treasury have created 320 Opportunity Zones spanning 73 counties.

Gov. DeWine also stated that a key factor in the program was the fact that local governments determined the locations of the Opportunity Zones, and that the Opportunity Zones that have been created thus far have been areas where the local government has expressed a need for investment.

The newly-unveiled website will feature a map delineating all of the state's existing Opportunity Zones and can help local governments advertise their desire for investment from businesses. The website will also allow developers to submit projects and will allow investors to review those potential developments.

HB 166, the State Operating Budget, includes a provision creating \$50 million in nonrefundable income tax credits to further incentivize the creation of more Opportunity zones. Investors would be eligible for a credit of up to \$1 million per individual that would equal 10% of the total investment. According to the Governor, these steps are part of a combined effort to make Ohio a leader in Opportunity Zone creation throughout the country. You can access the newly-launched website [HERE](#).

OHIO DEPARTMENT OF TRANSPORTATION ANNOUNCES BUSINESS DEVELOPMENT TRAINING WORKSHOPS

The Ohio Department of Transportation is offering a series of training opportunities throughout the state to help city public service departments and county engineers understand how to ensure they comply with Disadvantaged Business Enterprise (DBE) participation in order to be eligible for federal dollars.

Title 23 of the United States Code mandates that in order for local entities to be eligible for federal dollars by contracting infrastructure construction projects through ODOT's Local Public Agency (LPA) process, they must comply with DBE participation. ODOT is offering training workshops in foundational competencies across Ohio to all certified DBEs free of charge. ODOT's Division of Opportunity and Inclusion will be providing the workshops, which will focus on estimating, accounting and risk management.

The workshop schedule is as follows:

CLEVELAND 4-6pm

- May 1st - **Estimating**
- May 8th - **Accounting**
- June 5th - **Risk Management**

COLUMBUS 4-6pm

- May 7th - **Estimating**
- May 22nd - **Accounting**
- June 12th - **Risk Management**

CINCINNATI 4-6pm

- May 14th - **Estimating**
- May 29th - **Accounting**
- June 19th - **Risk Management**

To register, click [HERE](#). Participants are encouraged to register soon as space is limited.

**FORMER CONGRESSMAN JIM RENACCI TO
HOST MAYOR'S ROUNDTABLE**

Former Congressman and Wadsworth Mayor Jim Renacci is hosting a Mayor's Roundtable at the Addiction and Family Empowerment Conference to discuss how local governments can respond to the ongoing opioid epidemic. The panel will include City of Lorain Mayor Chase Rittenauer, City of Green Mayor Gerard Neugebauer, Cuyahoga Falls Chief of Police Jack Davis and representatives from the Peer to Peer Program and the Incarceration Diversion Program. The panel will discuss the challenges local governments face in combating the epidemic and some of the best practices currently employed by local leaders.

The panel will take place at 2 p.m. on Saturday, May 4 at the Holiday Inn Conference Center in Independence. RSVP soon as seating is limited.

**RARE PAGANINI VIOLIN TO VISIT COLUMBUS
FROM SISTER CITY GENOA, ITALY**

The Greater Columbus Sister Cities International (GCSCI), along with the Columbus City Council, the Harold C. Schott Foundation and the Greater Columbus Arts Council, will be hosting the Paganini violin from Columbus's Sister City of Genoa,

Italy. Paganini's "Il Cannone" violin will be held at the Columbus Museum of Art from May 11-19.

This 276-year-old violin is the world's most famous violin and has only visited the United States twice before, once in New York City and once in San Francisco. It has not been in the United States since 2003. It is famous for being owned by Niccolò Paganini, who is sometimes referred to as the "devil's violinist" because people thought he had made a deal with the devil to play so well. The violin got its nickname, "Il Cannone", because its sound as powerful as a cannon

Paganini's violin will also be played during a public performance by the Columbus Symphony on Wednesday, May 15 at the historic Ohio Theatre. The concert will be directed by Music Director Rossen Milanov with the Columbus Symphony and will feature Joanna Franke, Concertmaster of the Columbus Symphony. Franke is one of few female concertmasters in the United States and was selected during a very competitive process to be chosen to play this priceless instrument.

This is a once in a lifetime chance to both see and hear this violin in Columbus as it is extremely fragile and rarely travels outside of Italy. Columbus was selected for the honor thanks to the strong sister city connection between Genoa and Columbus. The Mayor of Genoa, Mayor Marco Bucci, will be traveling with the violin to attend this historic concert along with Columbus Mayor Andrew Ginther.

Tickets will start at \$10 and can be purchased at www.columbussymphony.com. Visit www.columbussistercities.com to learn more about this unique exchange.

NEW BILLS OF MUNICIPAL INTEREST

Here are the bills introduced this week that impact municipalities:

- **HB 218 - PUBLIC-PRIVATE AGREEMENTS.** Sponsored by Rep. Patton (R - Strongsville), would authorize certain public entities to enter into public-private initiatives with a private party through a public-private agreement regarding public facilities.
- **HB 219 - ALCOHOL SALES.** Sponsored by Rep. Becker (R - Union Township) and Rep. Hoops (R - Napoleon), would alter the law relative to Sunday sales of beer and intoxicating liquor and name the act the "Sunday Alcohol, Liquor, and Especially Spirits Act" or "SALES Act."
- **HB 220 - LEDGER TECHNOLOGY.** Sponsored by Rep. Carfagna (R - Genoa Township), would allow a governmental entity to utilize distributed ledger technology, including blockchain technology.

COMMITTEE RECAP: BILLS OF MUNICIPAL INTEREST

Here is the bill impacting municipalities that received committee hearings this week:

- SB 33 - CRITICAL INFRASTRUCTURE. Sponsored by Sen. Hoagland (R - Adena), would modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility. During its fifth hearing before the Senate Judiciary Committee, environmentalists testified in opposition, stating their concerns that the bill would encroach upon First Amendment rights. The League is supportive of this legislation.

COMMITTEE SCHEDULE FOR THE WEEK OF APRIL 28, 2019

Tuesday, April 30, 2019

HOUSE WAYS AND MEANS

Tue., Apr. 30, 2019, 3:00 PM, Hearing Room 116
Rep. Schaffer: 614-466-8100

HB47** TAX COMPLAINTS-LEGAL ASSISTANCE FOUNDATION (GREENSPAN D) To increase the time within which property tax complaints must be decided and to change the name of the Ohio Legal Assistance Foundation.

Fourth Hearing, All Testimony, POSSIBLE VOTE

HB143** TAX CREDIT-VOLUNTEER SERVICE (KELLER C) To grant income tax credits to persons who serve as volunteer peace officers, firefighters, or emergency medical technicians.

Second Hearing, Proponent Testimony

SENATE FINANCE PRIMARY AND SECONDARY EDUCATION SUBCOMMITTEE

Tue., Apr. 30, 2019, 4:00 PM, Senate Finance Hearing Room
Sen. Terhar: 614-466-8068

Agencies testifying:

- Auditor
- Secretary of state
- Treasurer

HB166** OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

First Hearing, Invited Testimony

Wednesday, May 1, 2019

HOUSE FEDERALISM

Wed., May. 1, 2019, 9:00 AM, Hearing Room 121
Rep. Becker: 614-466-8134

HB178** CONCEALED WEAPONS REFORM (HOOD R, BRINKMAN T) To modify the Weapons Law by renaming a concealed handgun license as a concealed weapons license, allowing a concealed weapons licensee to carry concealed all deadly weapons not otherwise prohibited by law, repealing a notice requirement applicable to licensees stopped for a law enforcement purpose, authorizing expungement of convictions of a violation of that requirement, and allowing a person age 21 or older and not prohibited by federal law from firearm possession to carry a concealed deadly weapon without needing a license subject to the same carrying laws as a licensee.

Second Hearing, Proponent Testimony

HOUSE ECONOMIC AND WORKFORCE DEVELOPMENT

Wed., May. 1, 2019, 10:00 AM, Hearing Room 114
Rep. Zeltwanger: 614-644-6027

SB8**

TAX CREDITS-OHIO OPPORTUNITY ZONE (SCHURING K) To authorize tax credits for investments in an Ohio Opportunity Zone.

First Hearing, Sponsor Testimony

PLEASE CHECK OUR WEBSITE MONDAY FOR ANY UPDATES TO THE COMMITTEE SCHEDULE

Ohio Municipal League Meetings & Trainings

<u>OAPSD Annual Conference</u> Thursday May 2, 2019	<u>Registration Information</u>
Addiction & Family Empowerment Conference <u>Mayors Roundtable</u> Saturday May 4, 2019, Independence, Ohio	<u>Program & Registration Information</u>
<u>OML/OMAA Webinar:</u> Downtown Redevelopment May 15, 2019	<u>Registration Information</u>
<u>MAO Annual Conference</u> June 12th ~ 14th, 2019	<u>Registration Information</u>
<u>Mayors Court Refresher Trainings</u> August 16 ~ Attorneys & Magistrates Only October 25 & November 15	<u>Registration Information</u>

Ohio Municipal League

Legislative Inquires:

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[Edward Albright, Deputy Director](#)

[Ashley Brewster, Director of Communications](#)

[Thomas Wetmore, Legislative Advocate](#)

Website/Bulletin Issues:

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OHIO REPORT WEDNESDAY, MAY 1

House Plans Tax Cuts, Changes To Small Business Deduction In Budget

House Moves Quickly To Approve School Takeover Fix

Senate Passes Critical Infrastructure Measure

Energy Bill Set For Potential Changes, Subcommittee Vote Thursday

Rural Development Groups Push For Revitalization Of Loan Fund

Lawmaker Appointed To Parole Board As Part Of Overhaul

Gun Owners Push For Concealed-Carry Expansion

'Food Insecurity' Report Finds Ohio Lags National Average

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Higher Education

General Government & Agency Review

Finance: Primary & Secondary Education Sub.

Health, Human Services & Medicaid

Judiciary

House Committee Hearings

Armed Services & Veterans Affairs

Federalism

Economic & Workforce Development

Commerce & Labor

Public Utilities

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From: [Janalee Stock](#)
To: [State Senator Theresa Gavarone](#)
Subject: Ohio SM 33
Date: Monday, April 01, 2019 7:37:55 AM

April 1st, 2019

Dear Senator Theresa Gavarone

I am writing in regards to Ohio SB 33. It is one of our basic first amendment rights to speak up when we see injustice, when we see our basic democratic values being stomped on. Imagine if there hadn't been a tea party, if there hadn't been women and people of color in our history protesting for example the injustice of not being allowed to vote. We can't even begin to imagine how our country would look- no doubt more like countries that we have sent our young to war over to help to fight for those same basic human rights.

This is one of our cherished accomplishments- that America keeps moving despite all it's imperfections towards this allegiance "with justice and liberty for all". We wouldn't have evolved as a leader of free nations without the protection of free speech which includes acts of peaceful civil disobedience to draw attention to where we have failed, and need to change.

Our current laws protect against concerns regarding vandalism, and trespassing at a protest site. The move to increase fines times ten with a broad definition of "critical infrastructure" creates fear mongering language to intimidate engaged citizens deeply concerned about the overstep that corporations can impinge on local communities.

It is ironic that ALEC, so opposed to the overstep of "big government" into our personal lives would be behind this bill as it clearly does the opposite, with the real motive being protecting the powerful. A sheep in wolf's clothing- transparent. Please consider the important implications of this bill less "We the people" go further down the rabbit hole of "We the 1%, the rich, the powerful". It may be April Fool's day, but trust me we are not fools- we see this bill for what it is.

Sincerely,

Janalee Stock

An engaged citizen deeply concerned about our democracy since Citizen United was employed

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Janalee Stock

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From: [Ruth Hardy](#)
To: [State Senator Nathan Manning](#); [State Senator Bill Coley](#); [State Senator Cecil Thomas](#); [State Senator Teresa Fedor](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Sean O'Brien](#); [State Senator Steve Wilson](#); [State Senator Theresa Gavarone](#); [State Senator Robert McColley](#)
Subject: Please oppose SB 33
Date: Tuesday, April 30, 2019 9:02:13 PM

Please oppose SB 33, the proposed bill to “Modify criminal and civil law for critical infrastructure damage”, for the following reasons:

1. SB 33 violates due process by singling out certain infrastructure that it arbitrarily labels as “critical”.
2. SB 33 violates free speech and the right to assemble, which will be judged unconstitutional in courts of law.
3. Nonprofit organizations, through guilt by association, can be held liable for the actions of others, and they may be assessed penalties that are 10 times greater than those which individuals would receive. Both individuals and organizations may be punished for actions perpetrated by provocateurs embedded in protests by industry or the government, or by individuals unrelated to the organization.
4. The vast majority of environmental activists are nonviolent and respectful of property.

Since trespass and property damage are already covered by Ohio law, this legislation is redundant and apparently aimed at intimidating conscientious citizen

advocates.

5. The oil and gas industries are actually the criminals, but somehow they escape prosecution, using their vast wealth to obtain protection and subsidies from legislators. Not only were they aware of the destructive potential of climate change for decades, they also knew that CO₂ and methane (which is over 30 X more powerful as a greenhouse gas) emissions were major causes of the precipitous warming of the oceans & atmosphere. Yet they denied and covered up the evidence, while at the same time designing their drilling rigs to compensate for the sea level rise they knew was going to happen. How is this not criminal?

Environmental advocates are acting ethically by working hard to oppose expanded drilling of oil and gas. We are using our voices to draw attention to the urgency of sharply reducing the burning of fossil fuels in order to protect our health, our biosphere and our economy. Like the Founders, we believe it is our

moral duty to protect future generations, who will suffer from increasing extreme destructive weather, droughts, flooding, water scarcity, food scarcity and increased pests and diseases as well as crushing costs for emergency response, mitigation and adaptation.

6. The fingerprints of ALEC are all over this egregious legislation, further eroding their already damaged credibility. If Alec truly wanted to help Ohio, they would assist the state in making the transition to renewable energy. Instead, they are helping Ohio lag behind most of the other Midwestern states whose economies are getting a much-needed boost thanks to renewable energy. Businesses are attracted to clean & green energy states, where energy costs are lower. They know that economies based on clean energy are likely to thrive, whereas those based on fossil fuels are stuck in boom/bust cycles, high health care costs, high energy costs, polluted water & air, and job loss.

SB 33 should not go to a vote. Please oppose it.

Thank you,

Ruth Hardy

7757 Anderson Oaks Dr.

Cincinnati OH 45255

From: [Ruth Hardy](#)
To: [State Senator Nathan Manning](#); [State Senator Bill Coley](#); [State Senator Cecil Thomas](#); [State Senator Teresa Fedor](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Sean O'Brien](#); [State Senator Steve Wilson](#); [State Senator Theresa Gavarone](#); [State Senator Robert McColley](#)
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4. The vast majority of environmental activists are nonviolent and respectful of property.

Since trespass and property damage are already covered by Ohio law, this legislation is redundant and apparently aimed at intimidating conscientious citizen

advocates.

5. The oil and gas industries are actually the criminals, but somehow they escape prosecution, using their vast wealth to obtain protection and subsidies from legislators. Not only were they aware of the destructive potential of climate change for decades, they also knew that CO₂ and methane (which is over 30 X more powerful as a greenhouse gas) emissions were major causes of the precipitous warming of the oceans & atmosphere. Yet they denied and covered up the evidence, while at the same time designing their drilling rigs to compensate for the sea level rise they knew was going to happen. How is this not criminal?

Environmental advocates are acting ethically by working hard to oppose expanded drilling of oil and gas. We are using our voices to draw attention to the urgency of sharply reducing the burning of fossil fuels in order to protect our health, our biosphere and our economy. Like the Founders, we believe it is our

moral duty to protect future generations, who will suffer from increasing extreme destructive weather, droughts, flooding, water scarcity, food scarcity and increased pests and diseases as well as crushing costs for emergency response, mitigation and adaptation.

6. The fingerprints of ALEC are all over this egregious legislation, further eroding their already damaged credibility. If Alec truly wanted to help Ohio, they would assist the state in making the transition to renewable energy. Instead, they are helping Ohio lag behind most of the other Midwestern states whose economies are getting a much-needed boost thanks to renewable energy. Businesses are attracted to clean & green energy states, where energy costs are lower. They know that economies based on clean energy are likely to thrive, whereas those based on fossil fuels are stuck in boom/bust cycles, high health care costs, high energy costs, polluted water & air, and job loss.

SB 33 should not go to a vote. Please oppose it.

Thank you,

Ruth Hardy

7757 Anderson Oaks Dr.

Cincinnati OH 45255

From: [Kim Landsbergen](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Cc: dmoore@icnl.org; contact@acluohio.org; nicholaskusnetz@gmail.com; acfanohio@gmail.com
Subject: Please oppose Senate Bill 33
Date: Wednesday, April 03, 2019 3:48:15 PM

Dear members of the Ohio Senate Judiciary Committee,

I write to request that you please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

I request that my comments, submitted here, be considered testimony and that another hearing be held. Today's action by your committee, to limit opposition presentations to 5 people, is circumventing democracy in the state of Ohio.

SB 33 is an unnecessary bill that unfairly targets those who oppose the fossil fuel industry, and risks violating free speech protections under the First Amendment.

Your committee has an opportunity to lead Ohio into a new future, or to drag us back into the polluting past. You may be surprised to learn that 77% of Americans support an increase of renewable energy (1-Yale Study). In October 2018, over 70% of those surveyed responded that they want reduced pollution and more renewable energy (2- Consumer reports).

In opposing SB 33 you will be on the right side of history by making decisions in support of renewable energy, reduced pollution, a new economy, and freedom of speech.

If you choose to support for SB 33, you are clearly doing the bidding of the fossil fuel industry in opposition to your electorate, and the momentum of Americans in this country. The country is watching what goes on in the state house and lobbyist offices in Ohio.

Thank you for opposing Senate Bill 33.

Sincerely,

Kim Landsbergen Ph.D.
Certified Senior Ecologist
website = kimlandsbergen.com
twitter and instagram @ treebiology

References:

- 1) <http://climatecommunication.yale.edu/visualizations-data/support-renewable-energy-funding/>
- 2) <https://www.consumerreports.org/alternative-energy/majority-of-americans-want-cleaner-energy-from-renewable-sources/>

From: [Kim Landsbergen](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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From: [Leatra Harper](#)
To: [State Senator Theresa Gavarone](#)
Subject: Please vote against SB33
Date: Monday, April 01, 2019 9:25:24 PM

Dear Senator Gavarone,

It was a pleasure to meet Andrew when I visited on the "Meet Your Legislator" day on 3/19. Andrew said he would pass along our concerns about SB33. For your info, copied below is the Letter to the Editor submitted to the Sentinel Tribune. We hope that your vote will be against SB33 so that peaceful protestors don't have to be worried about being charged with a felony to express their free speech rights. Thank you for your consideration of this important matter.

Sincerely,
Leatra Harper

Is the Ohio Legislature Representative of Ohioans or ALEC?

This Wednesday, the Ohio Senate will be taking opponent testimony on a bill introduced that would make it a felony to protest what is termed, "critical infrastructure." This is one of many similar bills being introduced into state legislatures throughout the U.S. as a result of the Koch-brother sponsored ALEC (American Legislative Exchange Council) initiatives to protect fossil fuel interests such as natural gas pipelines that are being opposed for many good reasons all across the country. Thanks to the bill's sponsor, Senator Frank Hoagland (who could also profit personally as he has interest in two Ohio security firms), ALEC and its benefactors in the legislature were able to get Senate Bill 33 to committee, despite the fact that such an infringement on our right to free speech will be usurped by corporations' rights to make huge donations to politicians in the guise of their "free speech." What we are seeing now since Citizens United is that the US is no longer of, by and for the people but of, by and for corporations to increase their profits and use legislative fiat to squash opposition and protest.

The bill is being heard in the Judiciary Committee. For some reason, proponent testimony allowed anyone to personally testify for the bill; but for the opponent testimony, we are limited to only five people, severely restricting our time to testify. This discourages an important opportunity to hear from Ohio constituents in opposition to this assault on free speech.

More people need to know what is happening in our state and national legislatures as corporations use money as speech to write favorable laws for themselves even if in violation of our rights. There is already a lawsuit in South Dakota because of the passage of such legislation, but still no accountability for those who supported it. Our taxpayer dollars pay for the salaries of legislators and the lawyers who defend bad decisions. Call your Ohio senator and tell them to SAY NO TO SB33. Then watch the vote to make sure that those who vote to make peaceful protest a felony get voted out at the next election. There are more bad bills like Ohio House bill HB393 that would make it legal to spread toxic, radioactive oil and gas waste on our roads. Who does your legislator care about – you or the corporate donors?

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From: [Leatra Harper](#)
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Subject: Please vote against SB33
Date: Monday, April 01, 2019 9:25:24 PM

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From: [Paul Giannamore](#)
To: [State Senator Frank Hoagland](#)
Subject: Questions for Senator Hoagland
Date: Monday, March 04, 2019 11:37:29 AM

Thank you for agreeing to come to WTOV Friday, March 8 at 10 a.m. to be interviewed.

We will mainly want to talk about Senate Bill 33,

The questions will focus on:

1. Why is this bill necessary?
2. How will it work?
3. The bill had come under some criticism weeks ago on some editorial pages as something that would chill free speech... How does the Senator respond to such claims?
4. Are there specific examples of the kind of tampering with infrastructure that the bill would be aimed at reducing?

If there are any other issues the Senator would like to tell his constituents about, we would like to discuss them, too.

Thank you again. We look forward to seeing the Senator Friday.



Paul Giannamore
WTOV-NEWS 9
Assignment Editor/Producer
9 Red Donley Plaza
Steubenville, OH 43952
(740) 314-8555 (news desk)
(740) 632-3805 (cell)

From: [Loccisano, Giovanna](#)
To: [All Senate Members and Staff \(Democrat and Republican\)](#)
Subject: REMINDER: Co-Sponsor Request - Critical Infrastructure
Date: Monday, February 11, 2019 10:06:02 AM
Attachments: [Co-Sponsor Request-Critical Infrastructure.docx](#)

Good morning,

Please see the attached co-sponsor request from Senator Hoagland. The deadline to co-sponsor this legislation is **Tomorrow – Tuesday, February 12th by 9AM.**

-

If you have any questions, please feel free to contact our office.

Best,

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Loccisano, Giovanna](#)
To: [All Senate Members and Staff \(Democrat and Republican\)](#)
Subject: REMINDER: Co-Sponsor Request - Critical Infrastructure
Date: Monday, February 11, 2019 10:06:04 AM
Attachments: [Co-Sponsor Request-Critical Infrastructure.docx](#)

Good morning,

Please see the attached co-sponsor request from Senator Hoagland. The deadline to co-sponsor this legislation is **Tomorrow – Tuesday, February 12th by 9AM.**

-

If you have any questions, please feel free to contact our office.

Best,

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Kramer, Jake](#)
To: [Loccisano, Giovanna](#)
Subject: RE: Co-Sponsor Request: Critical Infrastructure
Date: Friday, February 08, 2019 9:50:03 AM

Ah, I gotcha. Congratulations on the promotion!

Jacob Kramer | Legislative Aide
State Senator Hearcel F. Craig
15th Senate District
(614) 466-5131
jacob.kramer@ohiosenate.gov

From: Loccisano, Giovanna
Sent: Friday, February 08, 2019 9:49 AM
To: Kramer, Jake
Subject: RE: Co-Sponsor Request: Critical Infrastructure

Good morning,

As of Jan 8th, Aaron moved on to a new job outside of the legislature regarding energy policy, I believe.

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: Kramer, Jake
Sent: Friday, February 08, 2019 9:31 AM
To: Loccisano, Giovanna
Subject: RE: Co-Sponsor Request: Critical Infrastructure

Hey!

So I just saw that you're the SLA in Hoagland's office. Where's Aaron?

(We have a mutual friend but don't talk much, just kind of curious)

Jacob Kramer | Legislative Aide
State Senator Hearcel F. Craig
15th Senate District
(614) 466-5131
jacob.kramer@ohiosenate.gov

From: Loccisano, Giovanna
Sent: Friday, February 08, 2019 9:30 AM
To: All Senate Members and Staff (Democrat and Republican)
Subject: Co-Sponsor Request: Critical Infrastructure

Good morning,

Please see the attached co-sponsor request from Senator Hoagland. This legislation is a re-introduction of SB 250 from the 132nd GA as passed by the Senate, with bipartisan support. The deadline to co-sponsor this legislation is **9am on Tuesday, February 12, 2019.**

If you have any questions, please feel free to call our office.

Best,

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Kramer, Jake](#)
To: [Loccisano, Giovanna](#)
Subject: RE: Co-Sponsor Request: Critical Infrastructure
Date: Friday, February 08, 2019 9:31:25 AM

Hey!

So I just saw that you're the SLA in Hoagland's office. Where's Aaron?

(We have a mutual friend but don't talk much, just kind of curious)

Jacob Kramer | Legislative Aide
State Senator Hearcel F. Craig
15th Senate District
(614) 466-5131
jacob.kramer@ohiosenate.gov

From: Loccisano, Giovanna
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Subject: Co-Sponsor Request: Critical Infrastructure

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Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Hunter, Patrick](#)
To: [Loccisano, Giovanna](#)
Cc: [Branch, Kierra](#); [Woodberry, Gabrielle](#)
Subject: RE: Co-Sponsor Request: Critical Infrastructure
Date: Friday, February 08, 2019 10:40:14 AM

Hey just FYI my boss accidentally voted for that last GA and we have responded to many constituents who voiced concern over that vote by saying the same. Just wanted you to be aware that we won't be supporting this if we have a chance to vote this GA so I would use the term bipartisan loosely.

Thank you,

Patrick L. Hunter

Legislative Aide

Office of Senator Sandra Williams

21st Senatorial District

P: 614.466.4857

Patrick.Hunter@ohiosenate.gov

From: Loccisano, Giovanna
Sent: Friday, February 08, 2019 9:30 AM
To: All Senate Members and Staff (Democrat and Republican)
Subject: Co-Sponsor Request: Critical Infrastructure

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If you have any questions, please feel free to call our office.

Best,

Giovanna Loccisano

Senior Legislative Aide

State Senator Frank Hoagland

30th Ohio Senate District

(614) 466-6508

From: [State Senator Dave Burke](#)
To: [State Senator Frank Hoagland](#)
Subject: RE: Hoagland Announces Senate Passage of Bill to Better Protect Ohio's Critical Infrastructure
Date: Thursday, May 02, 2019 8:31:08 AM

Thank you for contacting my office. I appreciate you taking the time to express your opinions, as your thoughts are important to me.

I will be sure to keep your views in mind as we deliberate on these important legislative issues. If your correspondence is in regards to a pressing matter, my office will be in contact with you as soon as possible to better assist you.

Thank you again for your correspondence. If you should have any additional questions or concerns regarding any state related matters, please feel free to contact me at: 614-466-8049 or by email at: sd26@ohiosenate.gov.

Sincerely,

Dave Burke
State Senator
26th District

From: [Loccisano, Giovanna](#)
To: [Burke-Onda, Regan](#)
Subject: RE: I want to share my thoughts on an issue or piece of legislation.
Date: Monday, March 18, 2019 11:49:24 AM

<https://oli.org/news/view/operation-lifesaver-names-new-state-coordinators-in-maine-ohio-and-the-dako>

he's the state coordinator for "Operation Lifesaver: Rail Safety Education"

-----Original Message-----

From: Burke-Onda, Regan
Sent: Monday, March 18, 2019 11:43 AM
To: Loccisano, Giovanna
Subject: FW: I want to share my thoughts on an issue or piece of legislation.

Do you know the intent behind the technical changes of SB 33?

-----Original Message-----

From: stouder@frontier.com [<mailto:stouder@frontier.com>]
Sent: Friday, March 15, 2019 3:36 PM
To: State Senator Frank Hoagland
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Alan

Last Name : Stouder

Address : 205 W.North Ave.

City : Pioneer

State : OH

Zip : 43554

Phone : (419) 551-6398

Email : stouder@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :

Sir,

Concerning SB33, Sec. 2909.10 paragraph D & F.

I was wondering the intent of deleteing these two paragraphs which are specfic to Trespassing on Railroad property and the penalty involved. Does Sec.2911.21 of this bill include & cover the enforcement of & penalties for trespassing on railroad property. Or does deleting paragraph D of Sec. 2909.10 make trespassing on railroad property no longer a crime.
Thank you for your time and consideration in this matter.

Alan Stouder

From: [Plahuta, Heather](#)
To: [State Senator Frank Hoagland](#)
Subject: RE: I want to share my thoughts on an issue or piece of legislation.
Date: Tuesday, April 02, 2019 3:54:23 PM

Thanks, Regan!

-----Original Message-----

From: State Senator Frank Hoagland
Sent: Tuesday, April 02, 2019 3:39 PM
To: State Senator Nathan Manning
Subject: FW: I want to share my thoughts on an issue or piece of legislation.

We received this email from one of Senator Manning's constituents, just wanted to make sure that you received it as well.

Thanks,
Regan

-----Original Message-----

From: daisie.reish@frontier.com [<mailto:daisie.reish@frontier.com>]
Sent: Thursday, March 28, 2019 2:34 PM
To: State Senator Frank Hoagland
Subject: I want to share my thoughts on an issue or piece of legislation.

First Name : Daisie

Last Name : Reish

Address : 37390 Giles Rd

City : Grafton

State : OH

Zip : 44044

Phone : (440) XXX-4834

Email : daisie.reish@frontier.com

Subject :
I want to share my thoughts on an issue or piece of legislation.

Message :
LEAGUE OF WOMEN VOTERS
2019 Statehouse Day Policy Asks
Vote yes on HB60 and HB19
Vote yes on SB43
Vote NO SB33
Introduce and pass Automatic Voter Registration legislation Support the Secretary of State's Budget in full Pause SB22 and improve poll worker incentives

From: [Loccisano, Giovanna](#)
To: [Burke-Onda, Regan](#)
Subject: RE: I want to share my thoughts on an issue or piece of legislation.
Date: Monday, March 18, 2019 11:54:31 AM

Good afternoon,

Thank you for reaching out to our office regarding this important matter. My name is Giovanna Loccisano, Senior Legislative Aide to Senator Frank Hoagland. I was not in this position when the Senator first introduced the bill in the 132nd General Assembly as SB 250. It has been reintroduced to the Senate for this GA as SB 33.

With your expertise and position with the Operation Lifesaver organization, I can understand your interest in this portion of the bill. As I said, I was not the original SLA to assist with the drafting of this bill. That being said, I have emailed our LSC drafter/attorney who did assist in the process and the conversion of the original bill to the Sub Bill that passed in the Senate last year and is mirrored in SB 33, this GA. I will also pass your question along to the Senator, personally, so that he is aware, as well.

Again, thank you for reaching out and I hope to have an answer for your question by the end of the week.

Best,

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508
Giovanna.Loccisano@ohiosenate.gov

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To: Loccisano, Giovanna
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Sent: Friday, March 15, 2019 3:36 PM
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Last Name : Stouder

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City : Pioneer

State : OH

Zip : 43554

Phone : (419) 551-6398

Email : stouder@frontier.com

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Thank you for your time and consideration in this matter.

Alan Stouder

From: [State Senator Frank Hoagland](#)
To: ["jamesjohnson8@me.com"](mailto:jamesjohnson8@me.com)
Subject: RE: ohiosenate.gov/legislation/GA133-SB-33
Date: Monday, May 20, 2019 11:40:05 AM

Mr. Johnson:

Thank you for reaching out. Senator Lehner forwarded me your email since it appears you reside in my legislative district.

I always work to take into account the opinions of all my constituents and believe it is essential to hear all perspectives to best serve the 30th Senate District. I appreciate you sharing your specific concerns with me.

Again, thank you for taking the time to reach out. Please do not hesitate to contact myself or my staff if we can be of any other assistance.

Sincerely,
Frank Hoagland

Senator Frank Hoagland
Ohio Senate District 30
614.466.6508
Hoagland@ohiosenate.gov

From: james johnson [mailto:jamesjohnson8@me.com]
Sent: Tuesday, April 09, 2019 6:46 PM
To: State Senator Peggy Lehner
Subject: ohiosenate.gov/legislation/GA133-SB-33

Dear Honorable Madam,

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the **right of the people peaceably to assemble, and to petition the Government for a redress of grievances**

Isn't it a bit fascist to criminalize those you might not agree with. Our freedoms are being eroded daily and you are being an enabler. ALEC has an agenda that is not congruent with the common good. Please do not vote for this bill.

*James Johnson MD
Athens Oh*

From: [Leatra Harper](#)
To: [State Senator Theresa Gavarone](#)
Subject: Re: Please vote against SB33
Date: Friday, April 05, 2019 7:40:10 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Mr. Landers,
Thank you for your response. Many are watching to see how this vote goes. We appreciate the consideration of constituents' wishes rather than the oil and gas industry.
Best,
Leatra

On Fri, Apr 5, 2019 at 3:50 PM State Senator Theresa Gavarone
<Gavarone@ohiosenate.gov> wrote:

Dear Leatra,

Thank you for contacting Senator Theresa Gavarone.

Senator Gavarone thanks you for taking time to share your thoughts on SB 33.

As a member of the Senate Judiciary Committee, to which SB 33 was assigned, Senator Gavarone is well aware of the bill. Senator Gavarone is taking a thorough look at the legislation and considering her constituents' thoughts before taking action on it. Thank you for paying attention to such an important issue.

If there is anything else Senator Gavarone can assist you with in the future, please do not hesitate to our office at 614-466-8060 or Gavarone@ohiosenate.gov.

Sincerely,

Christopher Landers

Office of Senator Theresa Gavarone

2nd Ohio Senate District

614-466-8060



From: Leatra Harper [mailto:wewantcleanwater@gmail.com]

Sent: Monday, April 01, 2019 9:26 PM

To: State Senator Theresa Gavarone

Subject: Please vote against SB33

Dear Senator Gavarone,

It was a pleasure to meet Andrew when I visited on the "Meet Your Legislator" day on 3/19. Andrew said he would pass along our concerns about SB33. For your info, copied below is the Letter to the Editor submitted to the Sentinel Tribune. We hope that your vote will be against SB33 so that peaceful protestors don't have to be worried about being charged with a felony to express their free speech rights. Thank you for your consideration of this important matter.

Sincerely,

Leatra Harper

Is the Ohio Legislature Representative of Ohioans or ALEC?

This Wednesday, the Ohio Senate will be taking opponent testimony on a bill introduced that would make it a felony to protest what is termed, "critical infrastructure." This is one of many similar bills being introduced into state legislatures throughout the U.S. as a result of the Koch-brother sponsored ALEC (American Legislative Exchange Council) initiatives to protect fossil fuel interests such as natural gas pipelines that are being opposed for many good reasons all across the country. Thanks to the bill's sponsor, Senator Frank Hoagland (who could also profit personally as he has interest in two Ohio security firms), ALEC and its benefactors in the legislature were able to get Senate Bill 33 to committee, despite the fact that such an infringement on our right to free speech will be usurped by corporations' rights to make huge donations to politicians in the guise of their "free speech." What we are seeing now since Citizens United is that the US is no longer of, by and for the people but of, by and for corporations to increase their profits and use legislative fiat to squash opposition and protest.

The bill is being heard in the Judiciary Committee. For some reason, proponent testimony allowed anyone to personally testify for the bill; but for the opponent testimony, we are limited to only five people, severely restricting our time to testify. This discourages an important opportunity to hear from Ohio constituents in opposition to this assault on free speech.

More people need to know what is happening in our state and national legislatures as corporations use money as speech to write favorable laws for themselves even if in violation of our rights. There is already a lawsuit in South Dakota because of the passage of such legislation,

but still no accountability for those who supported it. Our taxpayer dollars pay for the salaries of legislators and the lawyers who defend bad decisions. Call your Ohio senator and tell them to SAY NO TO SB33. Then watch the vote to make sure that those who vote to make peaceful protest a felony get voted out at the next election. There are more bad bills like Ohio House bill HB393 that would make it legal to spread toxic, radioactive oil and gas waste on our roads. Who does your legislator care about – you or the corporate donors?

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From: [State Senator Theresa Gavarone](#)
To: ["Leatra Harper"](#)
Subject: RE: Please vote against SB33
Date: Friday, April 05, 2019 3:50:22 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Leatra,

Thank you for contacting Senator Theresa Gavarone.

Senator Gavarone thanks you for taking time to share your thoughts on SB 33. As a member of the Senate Judiciary Committee, to which SB 33 was assigned, Senator Gavarone is well aware of the bill. Senator Gavarone is taking a thorough look at the legislation and considering her constituents' thoughts before taking action on it. Thank you for paying attention to such an important issue.

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Sent: Monday, April 01, 2019 9:26 PM
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From: [Leatra Harper](#)
To: [State Senator Theresa Gavarone](#)
Subject: Re: Please vote against SB33
Date: Friday, April 05, 2019 7:40:10 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Mr. Landers,
Thank you for your response. Many are watching to see how this vote goes. We appreciate the consideration of constituents' wishes rather than the oil and gas industry.
Best,
Leatra

On Fri, Apr 5, 2019 at 3:50 PM State Senator Theresa Gavarone
<Gavarone@ohiosenate.gov> wrote:

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Sincerely,

Christopher Landers

Office of Senator Theresa Gavarone

2nd Ohio Senate District

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From: [Ford, Beth](#)
To: [Loccisano, Giovanna](#)
Subject: Re: Reporter Query on Critical Infrastructure Bill Moving Through Statehouse
Date: Tuesday, February 19, 2019 12:34:53 PM

Will come talk to you when I get back from lunch!

Sent from my iPhone

On Feb 19, 2019, at 12:32 PM, Loccisano, Giovanna
<Giovanna.Loccisano@ohiosenate.gov> wrote:

Hey,
So Wilson's office brought it to my attention that the deadline was most likely meant to say this Friday (22nd)... please advise?

From: Steve Horn [<mailto:steve@therealnews.com>]
Sent: Friday, February 15, 2019 11:51 PM
To: State Senator Frank Hoagland; State Senator Bill Coley; State Senator Tina Maharath; State Senator Lou Terhar; State Senator Steve Wilson; State Senator Bob Peterson; State Senator Matt Huffman; State Senator Michael Rulli
Subject: Reporter Query on Critical Infrastructure Bill Moving Through Statehouse

Hon. Sens. Hoagland, Coley, Maharath Terhar, Wilson, Peterson, Huffman and Rulli:

Steve Horn here, climate reporter and producer for *The Real News Network*. I am working on a story on the critical infrastructure criminal/civil reform bills moving throughout statehouses nationwide and wondering if you could explain where the bill's impetus originates from (was it industry, a trade association, etc.) and what you think its importance is as legislation specifically as it relates to your state?

As you probably know, bills of these sorts have passed elsewhere too, but it's always important and interesting to offer state-specific rationales behind bills to readers/viewers.

Thanks for your time and help and I look forward to hearing back from you. My deadline is Friday late-afternoon eastern time.

Have a great weekend.

Best,
Steve
262-705-5856

--

Steve Horn
Producer - Climate Crisis Bureau
The Real News Network

steve@therealnews.com

[@SteveAHorn](#)

www.therealnews.com



From: [Frank Hoagland](#)
To: [Loccisano, Giovanna](#)
Subject: Re: SB 33 Sponsor Testimony
Date: Friday, May 24, 2019 7:42:07 PM

Good job.

"True Patriot"
Frank Hoagland
740-317-6801
Frankh@strt.us
www.strt.us

Excuse my Typos

On May 24, 2019, at 12:10 PM, Loccisano, Giovanna
<Giovanna.Loccisano@ohiosenate.gov> wrote:

Attached is a copy of the Sponsor Testimony for SB 33. We got notice that you will be up for sponsor testimony in the public utilities committee at 11am on Wednesday May 29th.

Look this over and let me know if you have any changes.

Giovanna Loccisano
Senior Legislative Aide
State Senator Frank Hoagland | 30th District
(614) 466-6508

<5.29.19 SB33SponsorTestimonyHousePUComm.docx>

From: [State Senator Frank Hoagland](#)
To: ["Pauline Chapman"](#)
Subject: RE: SB 33
Date: Thursday, April 04, 2019 10:12:29 AM

Ms. Chapman:

Thank you for taking the time to reach out to share your opinion with me. I value hearing the opinion of my constituents in the 30th Senate District.

I appreciate you sharing your concerns regarding Senate Bill 33. Currently, SB 33 has had three hearings in the Senate Judiciary Committee. The committee has heard from several opponents and proponents of the bill. I have also met with several constituents and advocacy groups regarding their concerns with the bill. I appreciate the open dialogue; please contact me to share any other concerns that you might have.

Again, thank you for taking the time to reach out. Please do not hesitate to contact myself or my staff if we can be of any other assistance.

Sincerely,
Frank Hoagland

Senator Frank Hoagland
Ohio Senate District 30
614.466.6508
Hoagland@ohiosenate.gov

From: Pauline Chapman [mailto:pchapman419@gmail.com]
Sent: Friday, March 01, 2019 10:17 AM
To: State Senator Frank Hoagland
Subject: SB 33

Dear Mr Hoagland,

I was not aware of this bill until last evening at a gathering of friends and family of their 90 year old mother.

I am appalled and outraged that you would sponsor such a horrible bill, as were the others! The conversation was how could an elected official who swore to his constituents he would act in their best interests and then turn around and sponsor such a dangerous threat to them. The consensus of the whole group was you must be getting mega bucks to sell your constituents out.

This is not sitting well and we, each one, has vowed to let your constituents know what you are doing.

Pauline Chapman

From: [State Senator Frank Hoagland](#)
To: ["marciawolff@marciawolffdesigncouncil.com"](mailto:marciawolff@marciawolffdesigncouncil.com)
Subject: RE: SB33
Date: Tuesday, March 19, 2019 2:02:01 PM

Ms. Wolff:

Thank you for taking the time to reach out to me. I always value hearing from my constituents. I respect your opinion, however Senate Bill 33 is not the bill that you mentioned. I sponsored SB 33 which will modify criminal and civil law for critical infrastructure damage. If you would like to read the bill text or analysis, the link is below.

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-33>

I will certainly keep your thoughts in mind regarding any legislation for aqua salina usage for the roads. Please do not hesitate to reach out if I can be of any other assistance.

Sincerely,
Frank Hoagland

Senator Frank Hoagland
Senate District 30
614.466.6508
Hoagland@ohiosenate.gov

-----Original Message-----

From: marciawolff@marciawolffdesigncouncil.com [<mailto:marciawolff@marciawolffdesigncouncil.com>]
Sent: Thursday, March 07, 2019 9:06 AM
To: State Senator Frank Hoagland
Subject: SB33

Mr Haogland;

The only reason to sell any by product of frack waste is for the industry to appear safe, it isn't, and to make more money.

HOW CAN YOU EVEN CONSIDER LEGISLATING THE USE OF AQUA SALINA FOR OUR ROADS AND TO BE SOLD ON HARDWARE SHELVES FOR UNSUSPECTING CONSUMER USE?!

DO YOU CARE ABOUT THE OUTCOME OF EXPOSURE TO OUR CHILDREN AND PETS AND WILDLIFE/ OUR TINTED SOIL AND WATER?

ARE THE CANCER RATES OF OHIOAN'S NOT HIGH ENOUGH FOR YOU? I'M PRETTY SURE YOU SUPPORT BANS ON ABORTIONS BUT IF YOU CAN MAKE MONEY OFF AN INDUSTRY, CAUSING THE SLOW DEATHS OF HUNDREDS BY CANCER ISN'T A PROBLEM FOR YOU.

SHAME ON YOU! NO TO SB33!
Marcia Wolff, an Ohio Citizen

From: [State Senator Frank Hoagland](#)
To: ["Carol Gottesman"](#)
Subject: RE: SB33
Date: Thursday, April 04, 2019 10:14:14 AM

Ms. Gottesman:

Thank you for taking the time to reach out to share your opinion with me. I value hearing the opinion of my constituents in the 30th Senate District.

I appreciate you sharing your concerns regarding Senate Bill 33. Currently, SB 33 has had three hearings in the Senate Judiciary Committee. The committee has heard from several opponents and proponents of the bill. I have also met with several constituents and advocacy groups regarding their concerns with the bill. I appreciate the open dialogue; please contact me to share any other concerns that you might have.

Again, thank you for taking the time to reach out. Please do not hesitate to contact myself or my staff if we can be of any other assistance.

Sincerely,
Frank Hoagland

Senator Frank Hoagland
Ohio Senate District 30
614.466.6508
Hoagland@ohiosenate.gov

From: Carol Gottesman [mailto:carolgottesman@yahoo.com]
Sent: Friday, March 01, 2019 3:07 PM
To: State Senator Frank Hoagland
Subject: SB33

Please vote NO on SB33. It attacks our freedom of speech. We have a right to object when our water, land and air is being poisoned and effecting our health. As a Nurse I am very concerned about these issues.

Yours for Creating Wellness,
Carol Gottesman

330-759-0797 home
330-719-2766 cell (Voice only: NO Text)
www.carolgottesman.com/

From: [Burke-Onda, Regan](#)
To: [Loccisano, Giovanna](#)
Subject: RE: Sponsor Testimony SB 33
Date: Wednesday, February 20, 2019 11:14:10 AM

Sponsor testimony went well.

O'Brien asked if this was an exact mirror of 250, Hoagland said yes. He also asked if it prohibits protesting with fracking. FH said you can protest all you want, only deals with malicious intent, disruption of service, and increases penalties, etc.

Thomas asked what the current penalty is under current law if there is damage. He said that the charges could be aggressive trespassing or criminal damaging. FH said that it is up to the judge. Eklund clarified with the penalties, misdemeanor/felony.

From: Loccisano, Giovanna
Sent: Wednesday, February 20, 2019 7:36 AM
To: Burke-Onda, Regan
Subject: Fwd: Sponsor Testimony SB 33

Hey,

Hoagland has Sponsor Testimony starting at 0930 in Judiciary - unless they updated the schedule he is supposed to be last in line for testimony but he should at least be there when they start, just in case. Attached (and in the SD30 >> Legislation >> Critical Infrastructure file) is his testimony. Can you please print this out for him in a larger font and double spaced - there is a file folder on his desk for it. Also during testimony, if you can just take notes if there are any questions - what the question is and from who?

Last, for the meeting w the farm bureau reps while FH is in Transportation Committee, it's just a meet and greet. You can talk about ag/nat resources committee chairmanship, tell them we're already actively creating a working relationship w both directors. Two big topics, right now, are Lake Erie and Hemp/Industrial Hemp. And if they'd like, it's always good to get a group pic of them in the office, if possible. They'll get to see Frank at the luncheon, as well. If he asks if you want to go to the luncheon, just FYI they are only allowing one person per office to attend due to space constraints. So if he can't attend, feel free to go. Just didn't want him to ask you and there not be a seat, etc.

I'm sending this preemptively while I'm getting ready, now. I'm going to try to be at work for the morning but the more I move around, the sicker I'm feeling.

- G

Sent from my iPhone

Begin forwarded message:

From: "Loccisano, Giovanna" <Giovanna.Loccisano@ohiosenate.gov>
Date: February 19, 2019 at 09:13:23 EST

To: "Cassell, Elizabeth" <Elizabeth.Cassell@ohiosenate.gov>

Subject: Sponsor Testimony SB 33

Good morning,

Please find attached Senator Hoagland's testimony for SB 33 with two additional attachments.

Thank you,

Giovanna Loccisano

Senior Legislative Aide

State Senator Frank Hoagland

30th Ohio Senate District

(614) 466-6508

From: [State Senator Frank Hoagland](#)
To: ["David Slisher"](#)
Subject: RE: Stand against SB 33 Anti-Protest Bill
Date: Thursday, May 23, 2019 12:44:26 PM

Mr. Slisher:

Thank you for reaching out regarding Senate Bill 33. I always work to take into account the opinions of all my constituents and believe it is essential to hear all perspectives to best serve the 30th Senate District.

As you may know, Senate Bill 33 passed the Ohio Senate on May 1st and the bill has been referred to the House Public Utilities Committee.

As a state senator representing over 300,000 constituents, your comments are valuable to me as I continue to try and balance everyone's diverse opinion and advocate for our shared goals in the Ohio Senate. I hold your input in high regard and look forward to hearing from you in the future about other issues facing Ohio.

Again, thank you for taking the time to reach out. Please do not hesitate to contact myself or my staff if we can be of any other assistance.

Sincerely,
Frank Hoagland

Senator Frank Hoagland
Ohio Senate District 30
614.466.6508
Hoagland@ohiosenate.gov

From: davidslisher@gmail.com@mg.gospringboard.io
[mailto:davidslisher@gmail.com@mg.gospringboard.io] **On Behalf Of** David Slisher
Sent: Wednesday, May 01, 2019 3:48 PM
To: State Senator Frank Hoagland
Subject: Stand against SB 33 Anti-Protest Bill

Dear Sen. Hoagland,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

David Slisher
35550 Pageville Rd
Albany OH, 45710-9239

From: [Eric Fenster](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: SB 33 and King George III
Date: Sunday, April 07, 2019 9:19:04 AM

Opinions about whether certain energy policies may destroy the country (or even the planet) differ, but how debaters express their opinions must not destroy the country first.

SB 33 stifles free speech and free assembly -- including the civil disobedience, without which this republic would not have been formed. King George III would be giggling in his grave to see the rebels betray their principles more than two centuries later, but he was mad and so is this bill.

Please spend your time seeking solutions, not inventing punishments for those trying to attract your attention to the problems.

And back off from what will mean the costly distraction of a legal battle over constitutionality that will make the Ohio legislature a national laughingstock.

Kill SB 33.

From: [Eric Fenster](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Kill SB 33.

From: [Loccisano, Giovanna](#)
To: [Burke-Onda, Regan](#)
Subject: Fwd: Sponsor Testimony SB 33
Date: Wednesday, February 20, 2019 7:36:27 AM
Attachments: [SB 33 Sponsor Testimony - Judiciary Committee.docx](#)
[ATT00001.htm](#)
[Federal Register Dept. of Transportation.pdf](#)
[ATT00002.htm](#)
[Monroe Action Camp Flyer.pdf](#)
[ATT00003.htm](#)

Hey,
Hoagland has Sponsor Testimony starting at 0930 in Judiciary - unless they updated the schedule he is supposed to be last in line for testimony but he should at least be there when they start, just in case. Attached (and in the SD30 >> Legislation >> Critical Infrastructure file) is his testimony. Can you please print this out for him in a larger font and double spaced - there is a file folder on his desk for it. Also during testimony, if you can just take notes if there are any questions - what the question is and from who?

Last, for the meeting w the farm bureau reps while FH is in Transportation Committee, it's just a meet and greet. You can talk about ag/nat resources committee chairmanship, tell them we're already actively creating a working relationship w both directors. Two big topics, right now, are Lake Erie and Hemp/Industrial Hemp. And if they'd like, it's always good to get a group pic of them in the office, if possible. They'll get to see Frank at the luncheon, as well. If he asks if you want to go to the luncheon, just FYI they are only allowing one person per office to attend due to space constraints. So if he can't attend, feel free to go. Just didn't want him to ask you and there not be a seat, etc.

I'm sending this preemptively while I'm getting ready, now. I'm going to try to be at work for the morning but the more I move around, the sicker I'm feeling.

- G

Sent from my iPhone

Begin forwarded message:

From: "Loccisano, Giovanna" <Giovanna.Loccisano@ohiosenate.gov>
Date: February 19, 2019 at 09:13:23 EST
To: "Cassell, Elizabeth" <Elizabeth.Cassell@ohiosenate.gov>
Subject: **Sponsor Testimony SB 33**

Good morning,

Please find attached Senator Hoagland's testimony for SB 33 with two additional attachments.

Thank you,

Giovanna Loccisano

Senior Legislative Aide
State Senator Frank Hoagland
30th Ohio Senate District
(614) 466-6508

From: [Village Bakery](#)
To: [State Senator Theresa Gavarone](#)
Subject: SB 33 opponent testimony
Date: Sunday, March 31, 2019 7:02:25 PM

Opponent testimony for SB 33

3/31/2019

Dear Senator Gavarone,

Please oppose Senate Bill 33, an anti-democratic and redundant bill designed to protect the assets of fossil fuel industries, while intimidating and bankrupting conscientious objectors and their supporters.

Laws already exist to charge those who make the hard choice to participate in nonviolent civil disobedience in our communities. Industries have the right and the means to protect their property, and citizens have the right to protest industrial activity that we believe is harmful or immoral. Industries have profits to protect, and citizens have health and safety to preserve, for ourselves and our children. When these two objectives clash, we have a court system to help determine which objective takes priority.

SB 33 is an unnecessary bill that unfairly targets those rightfully alarmed young citizens who will suffer the most from climate impacts caused by the fossil fuel industry's decades of denial. Thank you for opposing Senate Bill 33.

Sincerely,
Christine Hughes
69 Grosvenor St.
Athens, OH 45701
(740) 592-1596

From: [Village Bakery](#)
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Subject: SB 33 opponent testimony
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3/31/2019

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Sincerely,
Christine Hughes
69 Grosvenor St.
Athens, OH 45701
(740) 592-1596

From: [Pauline Chapman](#)
To: [State Senator Frank Hoagland](#)
Subject: SB 33
Date: Friday, March 01, 2019 10:17:30 AM

Dear Mr Hoagland,

I was not aware of this bill until last evening at a gathering of friends and family of their 90 year old mother.

I am appalled and outraged that you would sponsor such a horrible bill, as were the others!

The conversation was how could an elected official who swore to his constituents he would act in their best interests and then turn around and sponsor such a dangerous threat to them. The consensus of the whole group was you must be getting mega bucks to sell your constituents out.

This is not sitting well and we, each one, has vowed to let your constituents know what you are doing.

Pauline Chapman

From: [Donna Goodman](#)
To: [State Senator Theresa Gavarone](#)
Subject: SB 33
Date: Tuesday, April 02, 2019 5:07:40 AM

Senator Gavarone:

I oppose SB 33 and urge you to vote against this dangerous legislation which will chill the ability of Americans to express themselves using civil disobedience. I fear that the next logical next step, should this legislation pass, is for the senate to attempt legislate away the very speech that utters from the mouths of Americans. Case in point, it is horrific that opponent testimony to SB 33 actually being limited to five, which is never the case for proponent testimony.

Sincerely,

Donna Goodman
8987 Lavelle Rd.
Athens, OH

From: [Lisa Abele](#)
To: [State Senator Theresa Gavarone](#)
Subject: SB 33
Date: Sunday, March 31, 2019 7:16:42 PM

Miss Gavarone,

I am writing today to have this letter labeled as testimony to my disgust for SB 33 and state that I strongly oppose SB 33, which is very dangerous legislation. It is unthinkable that opponent testimony is being limited, which is never the case for proponent testimony. Any legislator that does not oppose this bill does not uphold an American's First Amendment Right to free speech! This bill should NOT pass.

Sincerely,
Lisa Abele
Wellston, OH

Sent from my iPhone

From: [Lisa Abele](#)
To: [State Senator Theresa Gavarone](#)
Subject: SB 33
Date: Sunday, March 31, 2019 7:16:42 PM

Miss Gavarone,

I am writing today to have this letter labeled as testimony to my disgust for SB 33 and state that I strongly oppose SB 33, which is very dangerous legislation. It is unthinkable that opponent testimony is being limited, which is never the case for proponent testimony. Any legislator that does not oppose this bill does not uphold an American's First Amendment Right to free speech! This bill should NOT pass.

Sincerely,
Lisa Abele
Wellston, OH

Sent from my iPhone

From: [Parsons, Donn](#)
To: [Republican Caucus Staff](#); [Republican Legislative Aides](#); [Republican Senior Legislative Aides](#); [Republican Communications](#); [LSC Fellows Republican](#)
Subject: SB 33
Date: Wednesday, May 01, 2019 12:09:44 PM
Attachments: [SB 33 \(Protecting Critical Infrastructure in Ohio\).docx](#)

Please find the policy memo for SB 33 attached to this email.

Donn

From: [Parsons, Donn](#)
To: [Republican Caucus Staff](#); [Republican Legislative Aides](#); [Republican Senior Legislative Aides](#); [Republican Communications](#); [LSC Fellows Republican](#)
Subject: SB 33
Date: Wednesday, May 01, 2019 12:09:44 PM
Attachments: [SB 33 \(Protecting Critical Infrastructure in Ohio\).docx](#)

Please find the policy memo for SB 33 attached to this email.

Donn

From: marciawolff@marciawolffdesigncouncil.com
To: [State Senator Frank Hoagland](#)
Subject: SB33
Date: Thursday, March 07, 2019 9:06:28 AM

Mr Haogland;

The only reason to sell any by product of frack waste is for the industry to appear safe, it isn't, and to make more money.

HOW CAN YOU EVEN CONSIDER LEGISLATING THE USE OF AQUA SALINA FOR OUR ROADS AND TO BE SOLD ON HARDWARE SHELVES FOR UNSUSPECTING CONSUMER USE?!

DO YOU CARE ABOUT THE OUTCOME OF EXPOSURE TO OUR CHILDREN AND PETS AND WILDLIFE/ OUR TINTED SOIL AND WATER?

ARE THE CANCER RATES OF OHIOAN'S NOT HIGH ENOUGH FOR YOU? I'M PRETTY SURE YOU SUPPORT BANS ON ABORTIONS BUT IF YOU CAN MAKE MONEY OFF AN INDUSTRY, CAUSING THE SLOW DEATHS OF HUNDREDS BY CANCER ISN'T A PROBLEM FOR YOU.

SHAME ON YOU! NO TO SB33!
Marcia Wolff, an Ohio Citizen

From: [Carol Gottesman](#)
To: [State Senator Frank Hoagland](#)
Subject: SB33
Date: Friday, March 01, 2019 3:07:38 PM

Please vote NO on SB33. It attacks our freedom of speech. We have a right to object when our water, land and air is being poisoned and effecting our health. As a Nurse I am very concerned about these issues.

Yours for Creating Wellness,
Carol Gottesman

330-759-0797 home
330-719-2766 cell (Voice only: NO Text)
www.carolgottesman.com/

From: [Kathie Jones](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); O'Brien@ohiosenate.gov; [State Senator Sean O'Brien](#)
Subject: Senate Bill 33 - Testimony in Opposition and Witness Form
Date: Tuesday, April 09, 2019 10:09:55 PM
Attachments: [Terstimony SB33.pdf](#)
[ATT00001.htm](#)
[Witness Form 1.pdf](#)
[ATT00002.htm](#)

Senators:

Please see for your review my attached testimony with respect to SB33 which I earlier forwarded to Senator Eklund.

Thank you,
Katharine Jones

Sent from my iPhone

Senator Eklund -

I would like to testify on Wednesday, April 10th regarding my opposition to Senate Bill 33. Please find attached my testimony and Witness Form.

Please let me know if you should need any further information.

Thank you in advance for your consideration.

Katharine Jones

From: [Kathie Jones](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); O'Brien@ohiosenate.gov; [State Senator Sean O'Brien](#)
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Please let me know if you should need any further information.

Thank you in advance for your consideration.

Katharine Jones

From: [JM](#)
To: [State Senator Theresa Gavarone](#)
Subject: Senate Bill 33
Date: Sunday, March 31, 2019 12:26:06 PM

Hello,

I am a concerned Ohio voter. I ask you to reject Senare Bill 33.

I am shocked to learn of the undemocratic process being used in an attempt to push this bill through. The committee is restricting in-person opponent testimony to a limit of five. The committee did not limit proponent testimony, why would they limit opponent testimony?! So basically the committee that is trying to stop Ohioans from using our first amendment rights is also preventing us from publicly speaking out against this bill.

Is this still America? Democracies hear the voice of the people! Please do the right thing and reject SB33.

Jen Madaffer

From: [JM](#)
To: [State Senator Theresa Gavarone](#)
Subject: Senate Bill 33
Date: Sunday, March 31, 2019 12:26:06 PM

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From: [JM](#)
To: [State Senator Theresa Gavarone](#)
Subject: Senate Bill 33
Date: Sunday, March 31, 2019 12:25:50 PM

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From: [Roxanne Groff](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Senate Bill 33
Date: Sunday, March 31, 2019 8:08:06 PM
Attachments: [Tragedies of oil and gas 2019 testimony.docx](#)

Dear Honorable senators,

Surely you as legislators cannot support a bill that intimidates and suppresses the will of the people to exercise their 1st amendment rights to express concerns by the means of protest in any and all places that they know to be an assault on their health and well being. The so called critical infrastructures named in this bill have existed for years in Ohio. However, now that the oil and gas industry has created havoc on many unsuspecting communities, with noise, emissions of methane, excessive traffic, explosions, earth quakes, sickness and emotional stress, people are using their voices and their bodies to express their deep concerns over the under regulated industry.

These concerned citizens will be intimidated by the mere thought that they could be arrested for their actions and fined bankruptcy amounts of money, and then carry a felony record! What kind of lawmakers would support such laws?!

Why are people concerned enough that they feel they need to protest at pipelines and well pad and injection well sites? See the attached for a short list of explosions and earthquakes in our rural Ohio communities.

SB 33 is unnecessary and most likely unconstitutional and certainly threatening to our society. The actions that Senator Hoagland (my senator) are concerned about are not happening in Ohio! This is an overreaching chilling piece of legislation that must be voted down.

Thank you for your deep consideration of this bill.

Very sincerely,

Roxanne Groff
Amesville Ohio 45711
740-707-3610

From: [Roxanne Groff](#)
To: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Very sincerely,

Roxanne Groff
Amesville Ohio 45711
740-707-3610

From: [Zack Frymier, Director Energy & Environmental Policy](#)
To: [State Senator Frank Hoagland](#)
Subject: Senate Floor Vote on SB 33
Date: Wednesday, May 01, 2019 10:46:24 AM



TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

The Ohio Chamber of Commerce is pleased to support strengthening protections for critical infrastructure. This infrastructure is vital to a well-functioning economy. Retailers, hospitals, schools, and homes all rely on electricity, safe drinking water, telecommunications networks and the efficient transportation of products that this infrastructure provides. While fortunately Ohio has not faced the sort of disruptions seen in other jurisdictions, taking this proactive step would protect Ohio's economy and improve our business climate. As a result, **your vote on SB 33 will be reflected in the Ohio Chamber's General Assembly Voting Record.**

Ohio's abundant natural resources, such as Lake Erie and the Ohio River, lead to ports and rail facilities that businesses rely on. The continued growth of Ohio's economy depends on businesses being assured that capital investments in infrastructure in our state are safe from physical damage.

Deterring and punishing those who seek to tamper or destroy these, or any piece of critical infrastructure, is necessary to allow job growth to continue and to protect the communities and residents. Tampering with this infrastructure could lead to disruptions in the services and comforts that have come to define life in a modern economy.

SB 33 strengthens protections for critical infrastructure to better safeguard public safety and the environment. The Ohio Chamber urges you to vote "yes" on SB 33. If you have any questions about this bill or the Ohio Chamber's position, please contact me at 614-228-4201 or zfrymier@ohiochamber.com.



Ohio Chamber of Commerce | 34 S. Third St., Suite 100, Columbus, OH 43215

[Unsubscribe sd30@ohiosenate.gov](mailto:sd30@ohiosenate.gov)

[Update Profile](#) | [About our service provider](#)

Sent by zfrymier@ohiochamber.com in collaboration with



Try it free today

From: [Zack Frymier, Director Energy & Environmental Policy](#)
To: [State Senator Theresa Gavarone](#)
Subject: Senate Floor Vote on SB 33
Date: Wednesday, May 01, 2019 10:46:20 AM



TO: Members of the Ohio Senate

FROM: Zack Frymier, Director, Energy & Environmental Policy

RE: Floor Vote on Senate Bill 33

DATE: May 1, 2019

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Ohio Chamber of Commerce | 34 S. Third St., Suite 100, Columbus, OH 43215

[Unsubscribe sd02@ohiosenate.gov](mailto:sd02@ohiosenate.gov)

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From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Thursday, April 18, 2019 3:15:30 PM
Attachments: [4.24.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#),
[Media Slip.pdf](#)

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 24th** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 12 submissions total, on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Thursday, April 18, 2019 3:15:32 PM
Attachments: [4.24.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#),
[Media Slip.pdf](#)

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Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Friday, April 05, 2019 10:41:12 AM
Attachments: [4.10.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#),
[Media Slip.pdf](#)

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 10th at 9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first 8 submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony. There will be other opportunities to testify.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

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Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Friday, April 05, 2019 10:41:10 AM
Attachments: [4.10.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#)
[Media Slip.pdf](#)

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Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Thursday, March 28, 2019 9:52:18 AM
Attachments: [4.3.19 Senate Judiciary Committee Notice.doc](#)
[Judiciary Witness Slip.pdf](#)

Good Morning All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, April 3rd** at **9:15AM** in the **North Hearing Room**. Please note: In-person testimony for Senate Bill 33 will be limited to the first five submissions on a first-come, first-served basis. Any additional testimony received will be submitted as written-only testimony.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Thursday, March 28, 2019 9:52:20 AM
Attachments: [4.3.19 Senate Judiciary Committee Notice.doc](#)
[Judiciary Witness Slip.pdf](#)

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Trent & Liz

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Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Thursday, February 14, 2019 4:14:18 PM
Attachments: [2.20.19 Senate Judiciary Committee Notice.doc](#),
[Judiciary Witness Slip.pdf](#)

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, February 20th** at **9:30AM** in the **North Hearing Room**.

Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Thank You!
Trent & Liz

Trent W. Champlin
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Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: [Champlin, Trent](#)
To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Friday, April 26, 2019 2:03:44 PM
Attachments: [5.1.19 Senate Judiciary Committee Notice.doc](#)
[Judiciary Witness Slip.pdf](#)
[Media Slip.pdf](#)

Good Afternoon All –

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To: [Champlin, Trent](#); [Cassell, Elizabeth](#)
Subject: Senate Judiciary Committee Notice
Date: Friday, April 26, 2019 2:03:42 PM
Attachments: [5.1.19 Senate Judiciary Committee Notice.doc](#)
[Judiciary Witness Slip.pdf](#)
[Media Slip.pdf](#)

Good Afternoon All –

Please see attached for the Senate Judiciary Committee Notice as we will be meeting on **Wednesday, May 1st** at **9:15AM** in the **North Hearing Room**. Be sure to submit your testimony to the Chairman's office **no later than 24 hours before committee**.

Please note, a media slip must be submitted to the chairman's office **prior to the start of committee** for those wishing to record, videotape, or photograph committee proceedings.

Thank You!
Trent & Liz

Trent W. Champlin
Legislative Aide
Senator John Eklund
Ohio Senate
Phone: 614-644-7718
Trent.champlin@ohiosenate.gov

From: davidslisher@gmail.com@mg.gospringboard.io on behalf of [David Slisher](#)
To: [State Senator Frank Hoagland](#)
Subject: Stand against SB 33 Anti-Protest Bill
Date: Wednesday, May 01, 2019 3:47:46 PM

Dear Sen. Hoagland,

I urge you to oppose SB 33 or any related bill. This bill would apply a "guilt by association" standard when damage or trespass to a pipeline or other "critical infrastructure" happens during a protest. It could allow organizations and people who did not trespass or do any damage whatsoever to be charged with a crime if they promoted or supported an event at which this happens.

To be clear, trespassing on and damage to property are already illegal and should be. This bill unreasonably expands who can be charged for these offenses, including people who weren't even present.

This bill, which is very similar to a bill passed recently in Oklahoma and Louisiana, will have a chilling effect on citizen protest and dissent. Citizen protest has played a role in many important reforms in Ohio's history, and it's a critical part of a vibrant democracy.

SB 33 is a handout to corporate interests at the expense of Ohio's democracy. I urge you to oppose SB 33.

Sincerely,

David Slisher
35550 Pageville Rd
Albany OH, 45710-9239

From: [Nancy Sullivan](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Testimony Opposing SB 33
Date: Sunday, March 31, 2019 10:47:24 PM

I strongly oppose SB 33 and am frustrated that the committee has chosen to limit opponent testimony concerning the bill.

Citizen-led advocacy groups have a treasured history in the United States and the goal of this bill is simply to quash dissent on key issues.

Whenever I review a piece of legislation, I ask myself, "Who wins and who pays?"

It is clear that the oil and gas industry wins from the enactment of this bill. That is why it has the support of ALEC, the American Legislative Exchange Council, and state, local and national elected officials who receive campaign funding from the industry.

It is clear that the right to free speech and, from a more global perspective, the right to clean air and water, lose. I hope that every member of the committee prizes the First Amendment to the Constitution, even when confronted with ideas you don't like. All of us, however, require clean air and water and hope for a healthy future for our children. If SB 33 prevents legitimate dissent around ever-increasing oil and gas exploration and transportation, our future is even more imperiled.

Nancy Sullivan
534 Enright Ave.
Cincinnati, OH 45205

From: [Nancy Sullivan](#)
To: [State Senator John Eklund](#); [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Nancy Sullivan
534 Enright Ave.
Cincinnati, OH 45205

From: [Senate Majority Communications](#)
To: [Burke-Onda, Regan](#)
Subject: Today in the Ohio Senate
Date: Wednesday, May 01, 2019 12:21:57 PM

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Today in the Ohio Senate

Wednesday, May 1, 2019

The Senate will recognize the following during today's Session:

- **St. Marys Memorial High School Student Athletes:** Senator [Rob McColley](#) (R-Napoleon) will recognize the St. Marys Memorial High School Boys and Girls Bowling Teams as the 2019 OHSA Division II State Champions and the Girls Powerlifting Team for winning the state championship in 2019.
- **Archery State Champions:** Senator [Stephanie Kunze](#) (R-Hilliard) will recognize Worthington's Bluffsview Elementary School Archery Team for winning the 2019 Ohio National Archery in Schools Program State Tournament.
- **High School Gymnastics Champion:** Senator [Jay Hottinger](#) (R-Newark) will recognize senior Sydney Bradley of Sheridan High School for winning the 2019 OHSA Gymnastics All Around title.
- **Recognizing Outstanding Achievement:** Senator [John Eklund](#) (R-Munson Township) will recognize the Kent State University's Black United Students organization for outstanding achievement.
- **2018 Dispatcher of the Year:** Senator [Theresa Gavarone](#) (R-Bowling Green) will honor Tara Barnhart of the Bowling Green Dispatch Center for being named the 2018 Dispatcher of the Year by the Ohio State Highway Patrol.

High School State Wrestling Champion: Senator Stephanie Kunze will recognize Seth Shumate of Dublin Coffman High School as the 2019 Division I State Wrestling Champion in the 195-pound weight class.

- **Celebrating Make-A-Wish-Day:** Senator Stephanie Kunze will recognize April 29 as Make-A-Wish-Day in Ohio.

The Senate will consider the following legislation during today's Session:

- **Protecting Critical Infrastructure Against Criminal Acts:** Senate Bill 33, sponsored by Senator [Frank Hoagland](#) (R-Mingo Junction), recognizes the essential role critical infrastructure plays in our communities and takes steps to ensure it and public safety are protected.
- **Increasing Awareness of Ohio's Native Plants:** Sponsored by Senator [Bob Hackett](#) (R-London), Senate Bill 45 designated the month of April as "Ohio Native Plant Month."
- **Promoting Efficiency and Savings at Ohio's Public Colleges and Universities:** Senate Bill 120, sponsored by Senators [Rob McColley](#) (R-Napoleon) and [Michael Rulli](#) (R-Salem), eliminates the cap on the number of higher education performance audits that may be authorized by the State Auditor each biennium in order to help more state institutions of higher education find cost-saving benefits and keep college affordable for Ohio's students.
- **Designating Ohio's State Fossil Fish:** Sponsored by Senators [Matt Dolan](#) (R-Chagrin Falls) and [Nathan Manning](#) (R-North Ridgeville), Senate Bill 123 declares the Dunkleosteus terrelli as the state fossil fish. The fossil was discovered during the construction of Ohio's turnpike.

Click [here](#) to view live coverage of today's session provided by The Ohio Channel.

Release Date: Wednesday, May 1, 2019



MAJORITY CAUCUS MEDIA CONTACT:

John Fortney

Senate Majority Communications

Phone: (614) 995-1280

Email: John.Fortney@OhioSenate.gov

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From: [Senate Majority Communications](#)
To: [Uxley, Andrew](#)
Subject: Today in the Ohio Senate
Date: Wednesday, May 01, 2019 12:23:40 PM

Click [here](#) if you are having trouble viewing this message.



Today in the Ohio Senate

Wednesday, May 1, 2019

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John Fortney

Senate Majority Communications

Phone: (614) 995-1280

Email: John.Fortney@OhioSenate.gov

Click [here](#) if you don't wish to receive these messages in the future.

From: [Anastasia Birosh](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
Subject: Witness Form and Testimony on SB 33
Date: Tuesday, April 09, 2019 3:35:06 AM
Attachments: [SB 33 Witness Form.pdf](#)

To: Chairperson John Eklund
Ranking Member Cecil Thomas
Members of the Senate Judiciary Committee

Re: Opposition to SB 33

Dear Chairperson Eklund, Ranking Member Thomas and members of the Senate Judiciary Committee:

I am submitting this written public testimony to you as a concerned citizen and resident of Ohio.

The proponents (corporate interests) of this proposed legislation would have you believe that peaceful protest and peaceful direct action participants are paid "outlaws" and "terrorists." Do not be fooled. Peaceful protestors and direct action participants are simply exercising their rights of assembly and free speech.

SB 33 does nothing to protect the health and safety of Ohioans since the greatest threats and damage come from the very corporate interests this proposed legislation seeks to protect. Protestors have not caused frack fluid spills, or decimated farm fields. Protestors did not cause explosions at oil and gas facilities. Protestors have not compromised Ohio's regulatory bodies with money and influence.

Lastly, I am gravely concerned about the very independence of the Ohio Senate Judiciary Committee. Fifty percent of your members are associated with the American Legislative Exchange Council (ALEC) which operates primarily for the private benefit of its corporate members.

Ohio's communities and citizens need protection from corporate avarice and malfeasance, not the other way around. SB 33 is simply legislation designed by corporate interests for corporate interests.

I ask you, as elected officials, working for the benefit of the citizens and communities of the State of Ohio to vote no on Senate Bill 33 when it comes before you.

Sincerely,

Anastasia Birosh
Brunswick, Ohio

From: [Anastasia Birosh](#)
To: [State Senator John Eklund](#)
Cc: [State Senator Nathan Manning](#); [State Senator Cecil Thomas](#); [State Senator Bill Coley](#); [State Senator Teresa Fedor](#); [State Senator Theresa Gavarone](#); [State Senator Matt Huffman](#); [State Senator Peggy Lehner](#); [State Senator Robert McColley](#); [State Senator Sean O'Brien](#)
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Brunswick, Ohio

From: [Mosie](#)
To: [State Senator Andrew Brenner](#); [State Senator Dave Burke](#); [State Senator Bill Coley](#); [State Senator Matt Dolan](#); [State Senator John Eklund](#); [State Senator Theresa Gavarone](#); [State Senator Bob Hackett](#); [State Senator Brian Hill](#); [State Senator Frank Hoagland](#); [State Senator Jay Hottinger](#); [State Senator Matt Huffman](#); [State Senator Stephen Huffman](#); [State Senator Stephanie Kunze](#); [State Senator Peggy Lehner](#); [State Senator Nathan Manning](#); [State Senator Robert McColley](#); [State Senator Larry Obhof](#); [State Senator Bob Peterson](#); [State Senator Kristina Roegner](#); [State Senator Michael Rulli](#); [State Senator Kirk Schuring](#); [State Senator Lou Terhar](#); [State Senator Joe Uecker](#); [State Senator Steve Wilson](#); [State Senator Nickie Antonio](#); [State Senator Hearcel Craig](#); [State Senator Teresa Fedor](#); [State Senator Tina Maharath](#); [State Senator Sean O'Brien](#); [State Senator Vernon Sykes](#); [State Senator Cecil Thomas](#); [State Senator Sandra Williams](#); [State Senator Kenny Yuko](#)
Subject: Witness Testimony in opposition to SB 33
Date: Monday, April 29, 2019 10:12:10 AM
Attachments: [Witness form JUDICIARY COMMITTEE SB33.docx](#)

Please find my testimony in opposition to SB 33, attached with my witness testimony form and copied below.

Testimony: Vote NO on SB 33. This bill is meant to chill citizen dissent and specifically designed to limit the free speech and right to assemble of the people of the State of Ohio at a broadly defined range of “critical infrastructure facilities” which is specifically related to fossil fuel corporations. It raises the penalties for criminal mischief and other misdemeanors to the level of felonies at these facilities when there are already laws in place to prosecute these offenses.

This bill violates the right of people to peaceably assemble, to bring public attention to health and safety concerns, and to protest fossil fuel activities and installations which have the capacity to impact the health and safety, quality of life, and activities of daily living of Ohio citizens. This bill curtails the ability to observe installations which critically affect the quality of air and water and the environment in the state of Ohio at a time when environmental impacts are crucial to our global future.

This bill makes criminal public assembly and the observation and reporting of activities or installations that may harm the public health and safety. This bill makes criminal sharing concerns and information related to the public health and safety.

This bill criminalizes photography or videoing of activities and installations in plain view and criminalizes making the resulting photographs/video available to the public.

This bill makes it a criminal offense to “text” regarding events or activities which may impact the public health and safety.

This bill targets non-profit, grassroots citizen organizations made up of volunteer, concerned citizens who take their time to educate themselves and volunteer their time and talents to participate in the democratic process which may include peaceful assembly and peaceful civil disobedience, as well as education of the public to the impacts of activities and installations of the fossil fuel industry. Grassroots organization operating on a shoestring may be levied with fines of up to 10 X the amount of an individual citizen, fining grassroots organizations up to \$100,000. Grass roots organizations may be fined based on the actions of one citizen whose actions they cannot control, and that the grassroots organization does not state responsibility for.

Ohio must not pass legislation to limit citizen's constitutional rights or intimidate citizens freedom of speech or curtail activism.

Ohio must not limit the constitutional rights of Ohio citizens at a time our government is rolling back air and water quality standards and endangering our environment and air and water quality.

Ohio must not make criminal public discourse in the form of the written word, statements, photos, or videos regarding impacts to public health and safety.

The constitutional freedoms of the citizens of the State of Ohio must not be limited to the benefit fossil fuel corporations.

Vote No on HB 33.

Respectfully submitted,
Maureen D. Welch
8195 Guilford Road
Seville, Ohio 44273
Working for Fair Districts and Voting Rights for Citizens in Ohio
330-618-5838

From: [Mosie](#)
To: [State Senator Andrew Brenner](#); [State Senator Dave Burke](#); [State Senator Bill Coley](#); [State Senator Matt Dolan](#); [State Senator John Eklund](#); [State Senator Theresa Gavarone](#); [State Senator Bob Hackett](#); [State Senator Brian Hill](#); [State Senator Frank Hoagland](#); [State Senator Jay Hottinger](#); [State Senator Matt Huffman](#); [State Senator Stephen Huffman](#); [State Senator Stephanie Kunze](#); [State Senator Peggy Lehner](#); [State Senator Nathan Manning](#); [State Senator Robert McColley](#); [State Senator Larry Obhof](#); [State Senator Bob Peterson](#); [State Senator Kristina Roegner](#); [State Senator Michael Rulli](#); [State Senator Kirk Schuring](#); [State Senator Lou Terhar](#); [State Senator Joe Uecker](#); [State Senator Steve Wilson](#); [State Senator Nickie Antonio](#); [State Senator Hearcel Craig](#); [State Senator Teresa Fedor](#); [State Senator Tina Maharath](#); [State Senator Sean O'Brien](#); [State Senator Vernon Sykes](#); [State Senator Cecil Thomas](#); [State Senator Sandra Williams](#); [State Senator Kenny Yuko](#)
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